### AGENDA

### **ZONING COMMITTEE**

### OF THE SAINT PAUL PLANNING COMMISSION

Thursday, August 11, 2011 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

### **APPROVAL OF JULY 28, 2011 ZONING COMMITTEE MINUTES**

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

#### OLD BUSINESS

### 1 11-250-250 Dram Investments LLP

Re-establishment of nonconforming use as a car wash 1340 7<sup>th</sup> St W, between Mercer and Victoria TN2

Ryan Kelley 651-6562

#### **NEW BUSINESS**

### 2 11-252-494 Dee Vang

Re-establishent of nonconforming use as a 4 plex 342 Bates Ave, SE corner at 5th RT1

Matt Wolff 651-266-6708

#### 3 10-915-026 Culvers (1491 University)

Conditional Use Permit for a fast food restaurant with drive-through service, and modification of standards for ingress and egress on Pascal Street 1491 University Ave W, between Simpson and Pascal T2

12

Anton Jerve 651-266-6567

### 4 11-251-397 (10-909-016) Midway Commons (Culvers)

Site Plan Review for renovation of two existing commercial buildings, addition of drivethrough sales and service, and parking lot reconfiguration 1489 University Ave W

T2

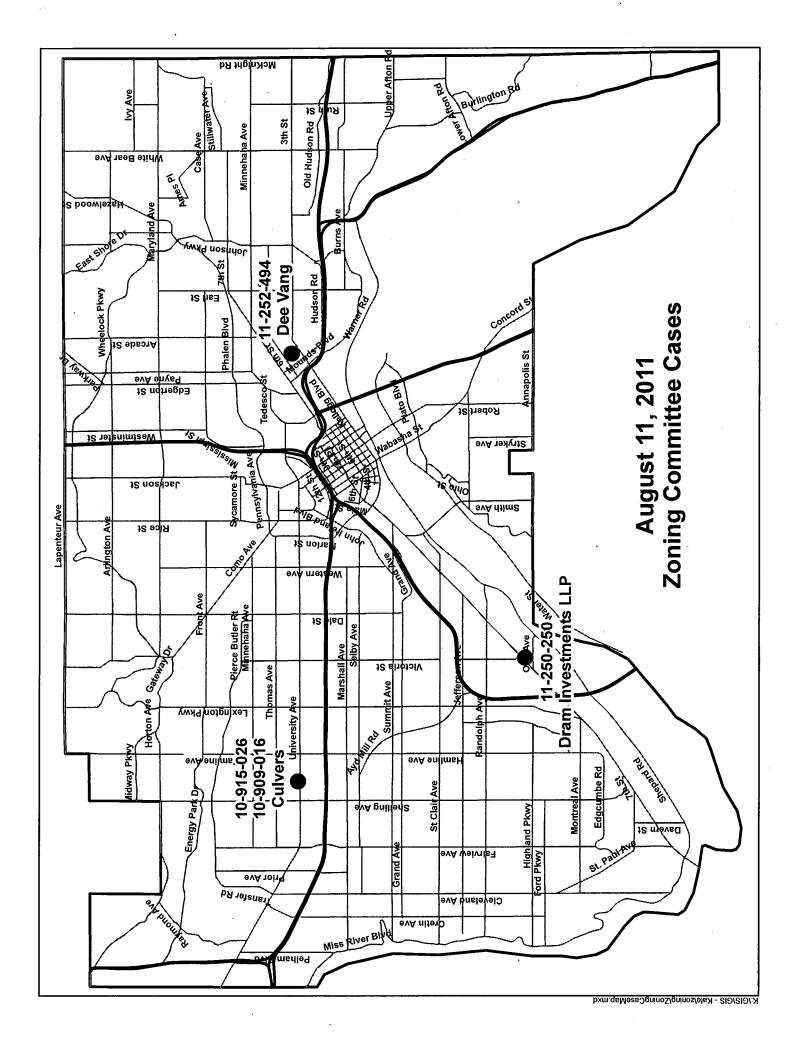
Tom Beach

651-266-9086

#### **ADJOURNMENT**

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.







### CITY OF SAINT PAUL Christopher B. Coleman, Mayor

25 West Fourth Street Saint Paul, MN 55102 Telephone: 651-266-6655 Facsimile: 651-228-3314

To: Zoning Committee of the Saint Paul Planning Commission

From: Ryan Kelley

Date: August 4, 2011

Re: Re-establishment of Non-conforming Use for a car wash at 1340 W 7<sup>th</sup> St

(Zoning File #11-250250)

An application to re-establish a non-conforming use as a car-wash at 1340 W 7th St was reviewed at the July 28, 2011 meeting of the Zoning Committee. Staff recommended approval of the re-establishment of the non-conforming use with two conditions.

- 1. That the hours of operation be limited to no more than the applicant expressed: 7:00 a.m. to 9:00 p.m.
- 2. That the wall running the length of the property line from the northern portion of the building to the sidewalk on West 7th Street be repaired.

Members of the Zoning Committee laid over the application for further information based on two letters which were submitted by neighbors of the proposed facility. These letters were not in opposition of the re-establishment of non-conforming use, yet identified concerns regarding the reopening of a car wash facility.

1. Access to residential parking off of Mercer Street

The car wash will operate in a manner in which cars will enter the southern most portion of the facility off of Mercer Street and exit through the northern most portion of the facility on to West 7th Street. There is "stacking" space for 16 cars located on the property on a concrete apron. The neighbors expressed concern that cars waiting to enter the site could queue on the street and block access to and from the garages and parking for residents south of the car wash.

If traffic becomes a problem to this extent and blocks access to parking for residents neighboring the car wash, the owner of the facility should work with the neighbors to reach an appropriate solution. If a solution is not reached it may be appropriate to require the facility to hire off-duty police officers, or find another way to control traffic when necessary.

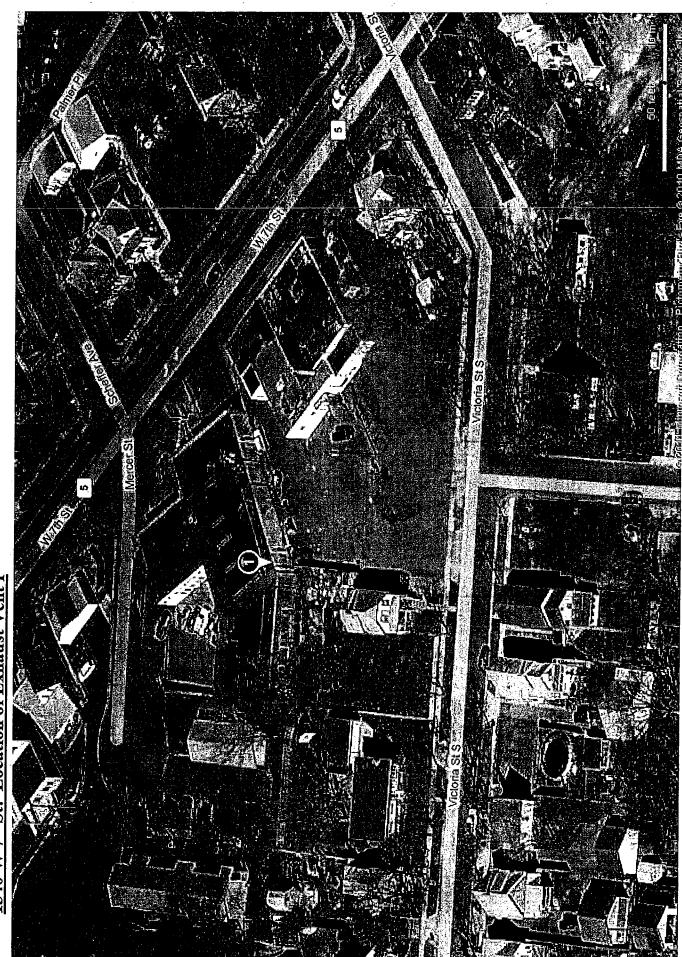
### 2. Noise and ventilation from the facility's exhaust fan

An inspector from the Department of Safety and Inspections (DSI) went to the site to identify the location of the building's exhaust fan. The fan identified was in the south-eastern portion of the building facing the parking lot of the adjacent business. It is near the rear corner of the back yard at the residence at 675 Victoria St S. According to the DSI staff, the distance from the fan to the residential dwelling is approximately 70 feet.

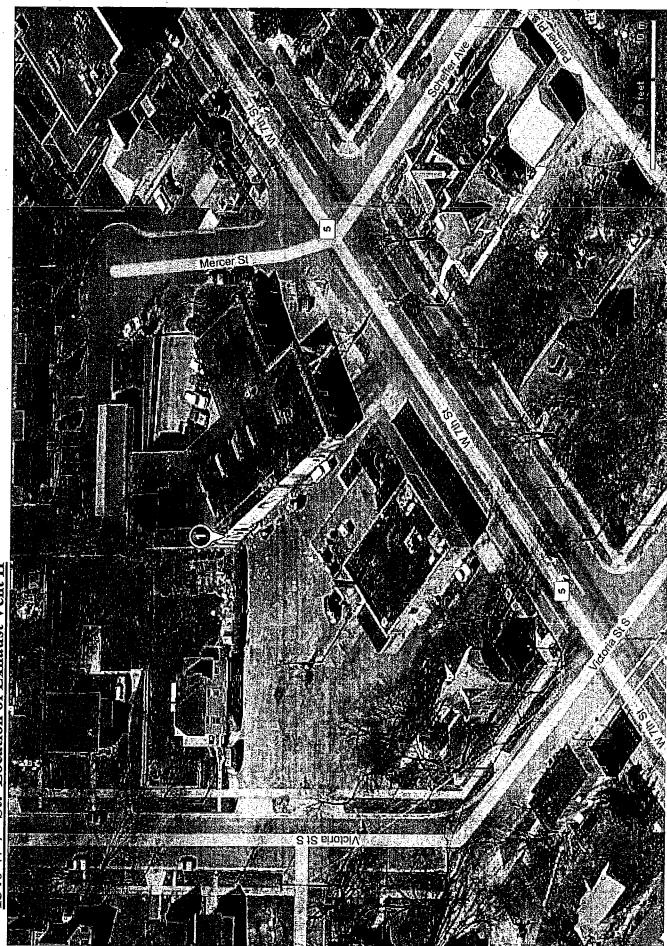
DSI staff also noted that since this is an existing system the trade inspectors have nothing to review. We have found no record of prior complaints at this time.

If the neighbors find that the noise or exhaust levels are a problem after the business opens, then an appropriate course of action would be to contact the Environmental Health Section of DSI so they may inspect and review any potential problems. They can be reached at: (651) 266 - 9132.

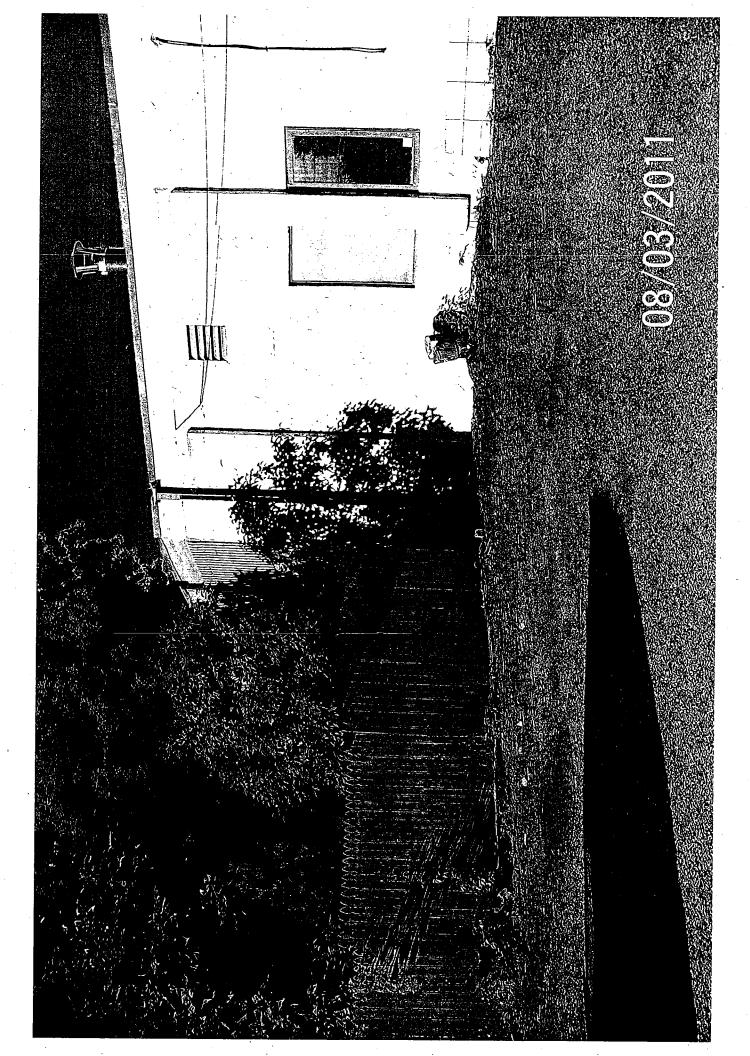
**Enclosure: 4 pictures** 



1340 W 7th St. Location of Exhaust Vent I



1340 W 7<sup>th</sup> St: Location of Exhaust Vent II



### **ZONING COMMITTEE STAFF REPORT**

1. FILE NAME: Dram Investments LLP

FILE # 11-250-250

2. APPLICANT: Dram Investments LLP

**HEARING DATE:** July 28, 2011

3. TYPE OF APPLICATION: Nonconforming Use Permit-Reestablishment

4. LOCATION: 1340 7th St W, between Mercer and Victoria

5. **PIN & LEGAL DESCRIPTION:** 112823430197; E B Lawtons Rearrangement No 1 Subj To St; Vac Sts Accruing & Fol. Lots 9 10 & 11 Blk 2 Cottage Lots Add & In Sd E B Lawtons Re No 1 Lot 7

6. PLANNING DISTRICT: 9

7. **ZONING CODE REFERENCE**: §62.109(d)

**PRESENT ZONING:** TN2

8. STAFF REPORT DATE: July 18, 2011

BY: Rvan Kellev

9. DATE RECEIVED: July 7, 2011

60-DAY DEADLINE FOR ACTION: September 5, 2011

A. **PURPOSE:** Re-Establishment of nonconforming use as a car wash

B. **PARCEL SIZE:** Irregular parcel with 85.1 ft frontage on W 7<sup>th</sup>, 103 ft on Mercer St; lot area of 22595 sq. ft.

C. EXISTING LAND USE: A-Car Wash

D. SURROUNDING LAND USE:

North: Commercial printing and Residential (T2 and RM2)

East: Vacant residential land and Single-family residential (RT2)

South: Multi-family residential (RT2)

West: Commercial (T2 and B2)

E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.

- F. **HISTORY/DISCUSSION:** The site was first established as a car wash facility in 1967. A Special Council Use Permit was issued for 6 gas pumps and a car wash facility (ZF 6279). In 1980 an application for a Special Condition Use Permit was made to establish a used car lot on the site. The application was approved with conditions (ZF 8740). A Special Condition Use Permit was applied for in 1987 to "permit expansion of an existing car wash". This permit was approved with conditions (ZF 10061).
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 9 Council has not submitted any testimony at this time.

### H. FINDINGS:

- 1. The property was placed on the Vacant Building list in June of 2009 as a Category 2. Because the building has been vacant for more than 365 days the applicant is required to re-establish the nonconforming use.
- 2. In the Special Condition Use Permit granted in 1987 one of the conditions imposed was: "that the hours of operation be between 8:00 a.m, and 7:00 p.m." The anticipated hours for the reopened facility are 7:00 a.m. to 9:00 p.m.
- 3. The applicable conditions regarding parking and auto washes at the granting of the 1987 Special Condition Use Permit were: 20 reservoir parking spaces and one (1) parking space for each employee. According to the Planning Commission Resolution, the site plan at that time indicated five (5) parking spaces, 12 exterior "stacking" spaces and eight (8) additional spaces inside the building.

The current conditions, as found in Sec. 65.707 Car Wash, require a "minimum of four (4) stacking spaces per washing lane. The parking regulations, as found in Table 63.207, require one (1) space per two (2) employees. The submitted site plan designates six (6) parking

Zoning File # 11-250-250 Zoning Committee Staff Report Page 2

spaces and 16 exterior stacking spaces.

- 4. Section 62.109(e) states: When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:
  - (1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. This finding is met. The property was registered as a carwash facility with gas pumps beginning in 1967. In 1980 a used car lot was established on the site. In 1987 the carwash facility was re-established and expanded to include a new structure that houses two (2) additional carwash bays, a prep area, and a "buff and shine" area. The specialized nature of the use makes alternative uses uneconomical as extensive alterations to the building would be required. The proposed carwash facility is a reasonable use of this structure.
  - (2) The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use. This finding is met. The use as a carwash facility is equally appropriate as its historical use as a carwash facility.
  - (3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This finding is met. A building that has been vacant for the past two years will be put back into use in a manner that is consistent with its prior operations. The building has frontage on W 7<sup>th</sup> St and is in character with adjacent commercial properties along this corridor.
  - (4) The proposed use is consistent with the comprehensive plan. This finding is met. The property is located in an area designated as a "Mixed Use Corridor" by the Comprehensive Plan. This designation allows a mix of residential, commercial, retail, small office, light industrial, and other uses within close proximity of one another. The use also coincides with the goal of "Land Use Mix" as identified in the District 9 Plan. The property faces W 7<sup>th</sup> Street and is within the commercial node of W 7<sup>th</sup> and Otto Avenue. The plan highlights that compatibility among mixed land uses is important in maintaining land use diversity in a dense neighborhood.
  - (5) A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use. This finding is met. The petition was found sufficient on July 8, 2011]: 19 parcels eligible; 13 parcels required; 13 parcels signed.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This finding is met.

- I. STAFF RECOMMENDATION: Based on the findings above, staff recommends approval of the Re-Establishment of nonconforming use as a carwash facility subject to the following conditions:
  - 1. The facility hours of operation are to be 7:00 a.m. to 9:00 p.m.
  - 2. The concrete block wall extending from the building to the sidewalk on West 7<sup>th</sup> Street, running along the northerly property line is repaired.

# SALNT PAUL

### NONCONFORMING USE PERMIT APPLICATION

Department of Planning and Economic Development Zoning Section 1400 City Hall Annex 25 West Fourth Street Saint Paul, MN 55102-1634

PD = 9

Zoning Office Use Only
File #: //-250250
Fee: 700
Tentative Hearing Date:

	66-6589	1/28234301
APPLICANT	Name DRAM INVESTMENTS LLP  Address 800 Brows August Hurt  City VALLEY St. UN Zip 55427  Name of Owner (if different)  Contact Person (if different)  DUID OUSHANSKU	763 41 Daytime Phone <u>9899</u>
PROPERTY LOCATION	Address/Location 1340 WEST 7 <sup>th</sup> STIZEET  Legal Description (SEE ATTACHED)  Fin: 11.28.23.43.0197 Current Zoning	TH-2
The permit is for:	<ul> <li>T: Application is hereby made for a Nonconforming Use Permit under Section 109 of the Zoning Code:</li> <li>□ Change from one nonconforming use to another (para. c)</li> <li>□ Re-establishment of a nonconforming use vacant for more than</li> </ul>	
	<ul> <li>□ Establishment of legal nonconforming use status for use in exist</li> <li>□ Enlargement of a nonconforming use (para. d)</li> </ul>	tence at least 10 years (para. a)
SUPPORTING IN Present/Past Use	FORMATION: Supply the information that is applicable to your type of	f permit.
Proposed Use	CAR WASH	_
Attach additional s	sheets if necessary	CK 10384
		70000
Attachments as re	quired Site Plan Consent Petition	Affidavit
applicant's Signat	ureDateDate	City Agent

July 6, 2011

Mr. Paul Dubruiel:
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634

Re: Re-Establishment of Nonconforming Use 1340 West Seventh Street St. Paul, MN 55102 BA #1128

Mr. Dubruiel:

Attached is the revised Application for Re-Establishment of Nonconforming Use for this property as follows:

- 1) NONCONFORMING USE PERMIT APPLICATION form (signed)
- 2) AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT (signed and notarized)
- 3) Payment in the form of a Check for the amount of \$700 (DRAM PROPERTIES LLC)
- 4) CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCOFORMING USE PERMIT (four (4) thus pages with original signatures)
- 5) The Site Drawings are already in your possession
- 6) Supplementary Information:
  - The Ramsey County Property Identification Number (PIN) for this property is: 11-28-23-43-0197 The Legal Description of this Property includes the following text:
  - Subj To St; Vac Sts Accruing & Fol. Lots 9 10 & 11 Blk 2 Cottage Lots Add & In Sd E B Lawtons Re No 1 Lot 7
- 7) Attached is a Memorandum (dated July 6, 2011) that demonstrates the inherent positive merits of this property especially as they relate to findings that the Planning Commission is expected to address.

Please contact me with questions and comments at your earliest opportunity.

Sincerely,

Randy L. Engel, RA

BUETQW & ASSOCIATES

Vice President

Copy: David Olshansky, DRAM Investments, LLP

July 6, 2011

Re-Establishment of Nonconforming Use 1340 West Seventh Street St. Paul, MN 55102 BA #1128

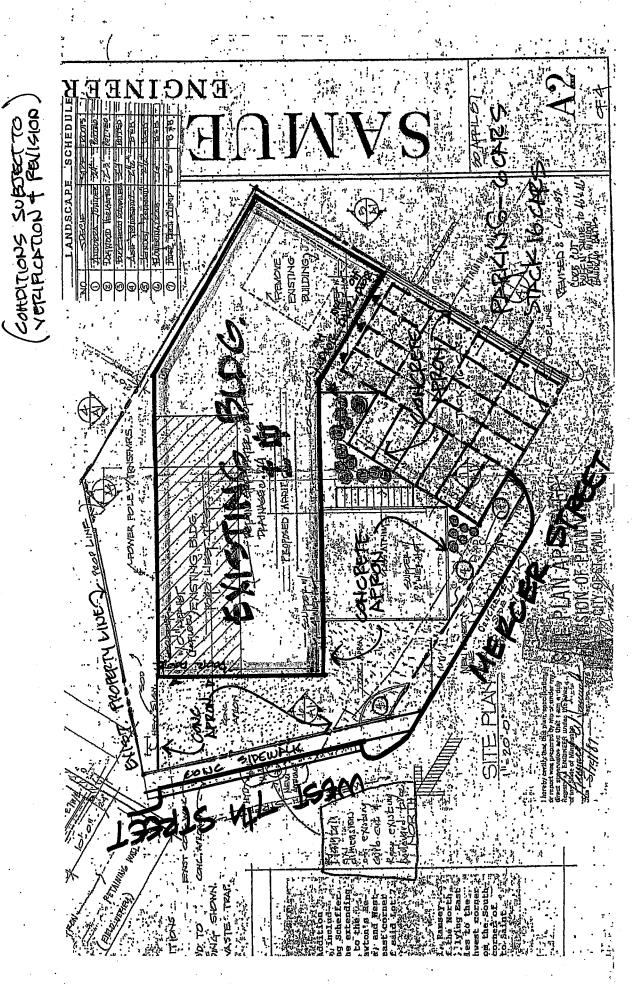
### Memorandum

Regarding the Zoning Code of the City of St. Paul, Chapter 62 – Zoning Code-Nonconforming Lots, Uses and Structures, Section 62.109 Nonconforming Use Permits, Paragraph (e) Reestablishment of Nonconforming Use: The new Owner of this property, DRAM Investments, LLP, is seeking to reestablish the nonconforming zoning status of this property as originally and previously granted to this property by the City of St. Paul.

Please be assured that the inherent positive merits of this property are in accord with following findings that the Planning Commission typically addresses:

- (1) The current land use and Car Wash Facility structure commenced operations in about the year 1968. The current structure is the result of an expansion to the original building and is a Car Wash Facility that received a Conditional Use Permit from the City of St. Paul in or about April of 1987. That facility was in continuous operation until the Conditional Use Permit was revoked by the City of St. Paul in June 2009 for nonactivity of business operations. A substantial investment has been placed into the land use and facility over time and also through the recent purchase by DRAM Investments, LLP. It would be difficult and costly to modify this facility to become another use. That is because this facility cannot be reasonably or economically used for another purpose that may conform to a purpose allowed in the TN2 Zoning District. Thus, the new Owner affirms that this property should continue to be operated as a Car Wash Facility.
- (2) The Owner's proposed use of this property is to continue as a Car Wash Facility. The Owner affirms that this is an appropriate use of the land at this location.
- (3) The Owner affirms that this property and its use as a Car Wash Facility will not be detrimental to the existing character of development in the immediate neighborhood and will not endanger the public health, safety or general welfare.
- (4) The Owner's proposed use of this property as a Car Wash Facility is in accord with the City of St. Paul's Comprehensive Plan that seeks to have commercial uses interspersed with housing within the West Seventh Street Mixed-Use Corridor. Also, the District 9 Area Plan seeks a mix of commercial and residential land uses with commercial uses relegated to the West Seventh Street frontage. This Car Wash Facility is oriented to and located upon the West Seventh Street frontage.
- (5) A notarized Petition of at least two-third (2/3) of adjacent Property Owners located within one hundred feet (100') of this property is attached to this document.

FOR: RE-ESTABLISHMBDT OF HOD-CONFACTIINS USE



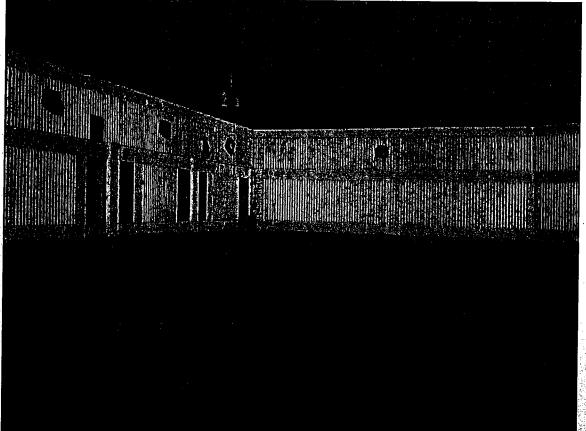


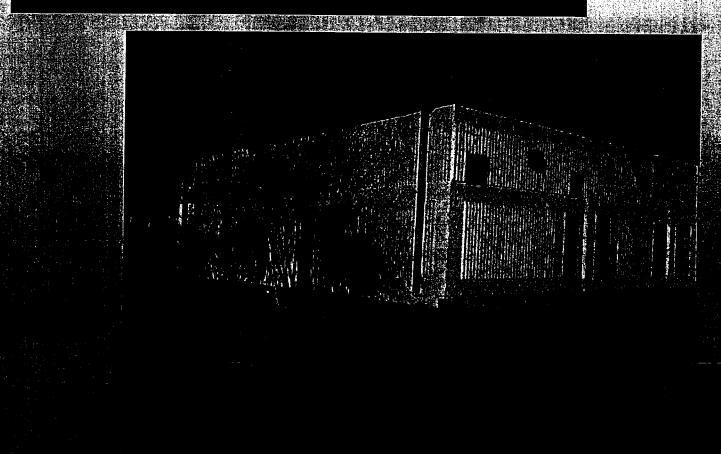
## Bird's Eye View Photos





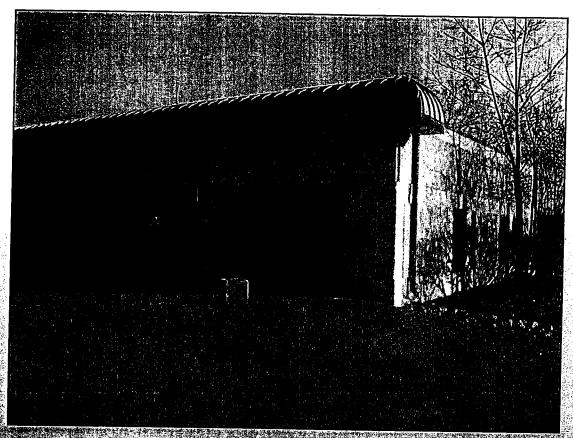
### **Photos**

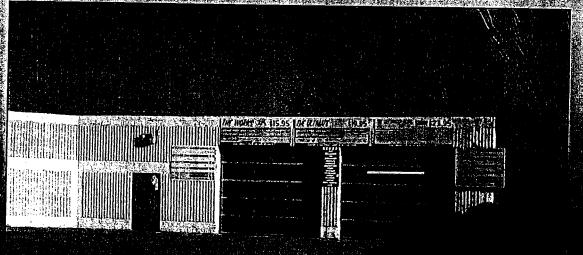


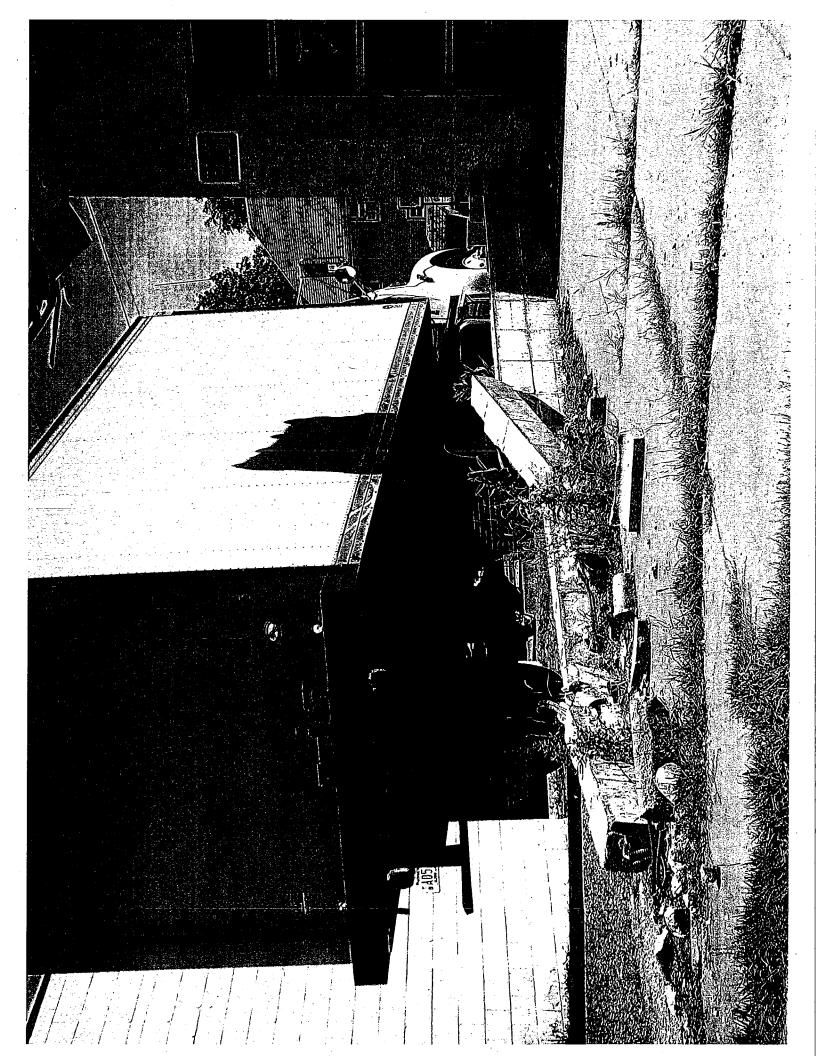




## **Photos**







ZONING PETITION S	UFFICIENCY CHECK SHEET
REZONING	SCUP
FIRST SUBMITTED	RESUBMITTED
DATE PETITION SUBMITTED: 7-7-	// DATE PETITION RESUBMITTED:
DATE OFFICIALLY RECEIVED: 7-8	DATE OFFICIALLY RECEIVED:
PARCELS ELIĞIBLE:	PARCELS ELIGIBLE:
PARCELS REQUIRED: /	PARCELS REQUIRED:
PARCELS SIGNED: 37/8//	PARCELS SIGNED:
CHECKED BY: PAUL DUOV	wiel DATE: 7-8-11

### CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge
that we have been presented with the following:
A copy of the application of DRAM PROPERTIES
(name of applicant)
to establish a CAR WASH,
(proposed use)
located at 1340 7 5 5 W 57 PAUL 55102 (address of property)
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.  $^{\prime}$ 

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
693 MICES/	marque Brown	The argant / Brown	6/15/011
1362 W 7th	RS. Eden.	Junette 5 M	6/14/11.
675 U1CTORIL	William Eselbart	wa	6/16/11
705 S. VICTORIA		Thomas Wasika	6/16/11
687 Sulleton		Dan Laraphin	4/17/11
137/W7 Sheat	Pental Associates	Heith Rollen to	16/20/2011
701 Merca Sti	Gary Brueggeman	Han Bruger	6/20/2011
716 Victoria st S.	Eugene Green	Engene Free	6-20-11
698 Victoriasts	William Bisker	WW	6-20-1
686 Victoriasts	Jonathan Beck	That the	6/20/11
Lettes. Victoria		Adamoen	6.20-11
1305U.70	Mylan Bunnet	May Binnot	10.20-11
1386 W-74	IAN GRUNGERG	the falls	6/20/11
NOTE: All information on the	e upper portion of this application	must be completed prior to obtain	ing eligible
signatures on this petition.			

9/08



We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

(name of applicant)

A copy of the application of

signatures on this petition.

(address of property)			
requiring a nonconformi documentation.	ing use permit, along with any	relevant site plans, diagrams, or	other
We consent to the appr his/her representative.		was explained to us by the ap	plicant or
ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
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NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible

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## CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

	sented with the following:	in 100 reet of the subject pi	roperty acknowledge
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to establish a	AR WAS	34	
	(pro	posed use)	•
located at 13 4	0 7 × ST	ress of property)	ul 55/02
	(auu	less of property)	•
requiring a nonconform documentation.	ning use permit, along with	any relevant site plans, dia	grams, or other
We consent to the app his/her representative		as it was explained to us b	y the applicant or
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NOTE: All information on the upper portion of this application <u>must</u> be completed prior to obtaining eligible signatures on this petition.

# CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of DRAM PROPERTIES (name of applicant)

to establish a CAR WASH (proposed use)

located at 1340.7 the ST W ST PAUL 55102 (address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN RECORD OWNER SIGNATURE PATE

ADDRESS OWNER SIGNATURE PATE

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ADDRES

1352 W. 7HST Billy Lower Bothy Gruby 7-2-1 1340 W. 7MST. DRAM Reperfessive Collection 7.5.11

NOTE: All information on the upper portion of this application <u>must</u> be completed prior to obtaining eligible signatures on this petition.

9/08

### AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE **PERMIT**

STATE OF MINNESOTA

:SS

COUNTY OF RAMSEY)

.U 55T M55 TS, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

ADDRESS GOLDEH UNLEY, MN 55427

763.4177 ~ 8888

TELEPHONE NUMBER

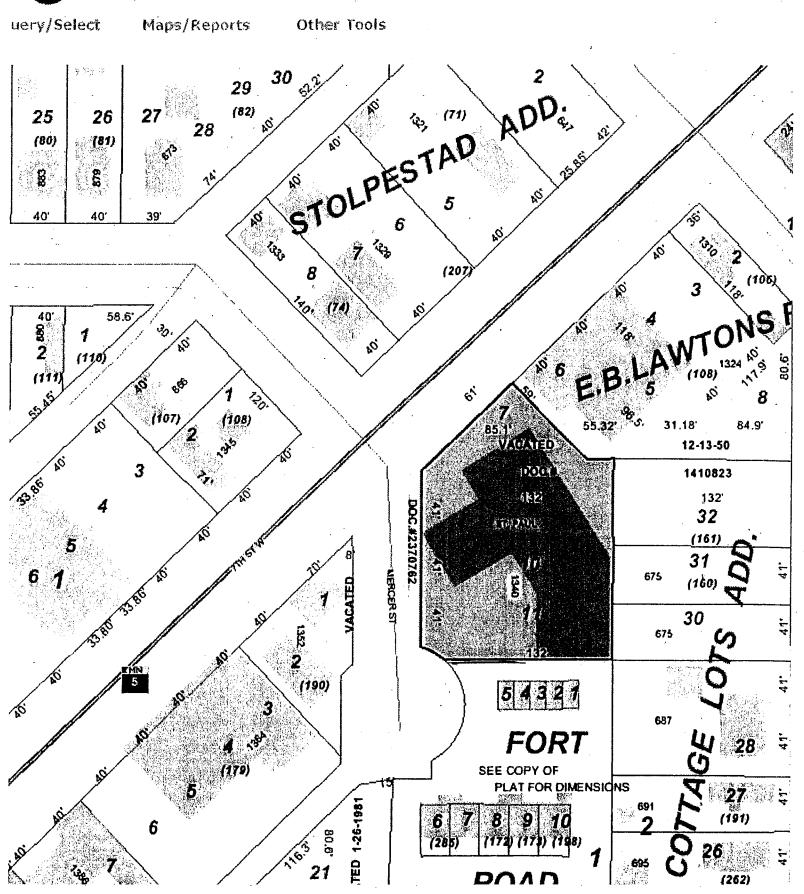
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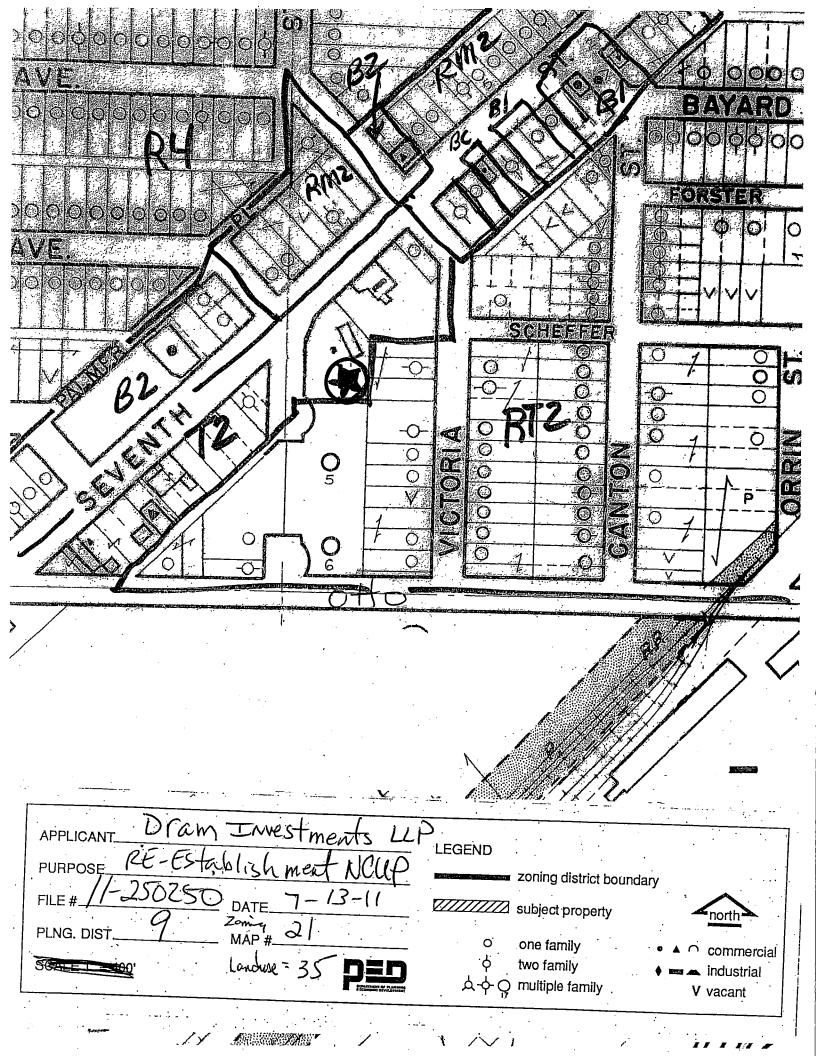
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GALINA M. GOZENPUD **NOTARY PUBLIC** Commission Expires Jan. 31, 2015

# RGIS

## Ramsey County Online Maps & Data





### **ZONING COMMITTEE STAFF REPORT**

1. FILE NAME: Dee Vang

FILE # 11-252-494

2. APPLICANT: Dee Vang

**HEARING DATE:** August 11, 2011

3. TYPE OF APPLICATION: Nonconforming Use Permit-Reestablishment

4. LOCATION: 342 Bates Ave. SE corner at 5th

5. PIN & LEGAL DESCRIPTION: 322922140227; Lyman Dayton Addition Ex Sely 6.5 Ft X 21 Ft Cor Of Lot 14; Lots 14,15 & Lot 16 Blk 24

6. PLANNING DISTRICT: 4

7. **ZONING CODE REFERENCE**: §62.109(e)

PRESENT ZONING: RT1

8. STAFF REPORT DATE: August 3, 2011

BY: Matt Wolff

9. **DATE RECEIVED:** July 14, 2011

60-DAY DEADLINE FOR ACTION: September 12, 2011

A. **PURPOSE:** Re-establishment of nonconforming use as a 4-plex

B. **PARCEL SIZE:** 120 Ft x 120 Ft (minus 6.5ft x 21 Ft of Lot 14), 14264 sq. ft.

C. EXISTING LAND USE: vacant, 7-unit building

D. SURROUNDING LAND USE:

North: Two-Family Residential (RT1)

East: Two-Family Residential (RT1)

South: Two-Family Residential (RT1), and Community Business (B2) and Multiple Family

(RM2) two blocks south.

West: Two-Family Residential (RT1)

E. **ZONING CODE CITATION:** §62.109(e) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.

F. **HISTORY/DISCUSSION:** There is no zoning history for this property.

G. **DISTRICT COUNCIL RECOMMENDATION:** At the time this report was prepared, the District 4 Council had not made a recommendation.

#### H. FINDINGS:

- 1. The 342 Bates Avenue property was originally built as a duplex in 1883. At some point it was converted into a 7 units. The building went on the St. Paul vacant property list on April 18, 2008. Yeng Vang purchased the property in November, 2010, with the intention of converting it back into a duplex. Citing the ability to more easily market the smaller units, Dee Vang has decided to request approval to convert it into a 4-unit property instead.
- 2. Section 62.109(e) states: When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:
  - (1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.
    - This finding is met. The property is zoned RT1 two-family, requiring a minimum lot size of 3,000 square feet per unit, and a minimum lot width of 25 feet per unit. At 14264 square feet, the property is large enough for two duplex lots, for a total of 4 units. Additionally, the applicant has provided a written statement in which Dee Vang states that, if returned to its original use as a duplex, the square footage of each unit would be 2-to-3 times greater than that of the other units in the vicinity.
  - (2) The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.

This finding is met. Having been most recently a 7-unit building, the conversion to a 4-unit

building represents a more appropriate nonconforming use. There is no mention of any work being done to the exterior of the building. Since the property is located in the Dayton's Bluff Heritage Preservation District, any exterior changes will be reviewed an approved by the Saint Paul Heritage Preservation Commission.

- (3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This finding is met. Dee Vang's plan will provide 4 parking spots in addition to the existing 2-car garage. The property's frontage on Bates Avenue will be screened with new flowers and small bushes, as well as the already existing trees, and an 18-inch retaining wall.
- (4) The proposed use is consistent with the comprehensive plan.
  This finding is met. Policy 3.2. of the Housing Chapter of the Comprehensive Plan states that new housing opportunities for low-income households should be supported throughout the city In the 2009 District 4 Plan, section C3 states the strategy to "promote reuse, instead of demolition, of existing buildings". The 1990 Lower Dayton's Bluff Small Area Plan and FAS has the 342 Bates Avenue property listed as 'multi-family' and 'in need of moderate repairs'. The Dayton's Bluff Historic District also emphasizes reuse.
- (5) A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use. This finding is met. The petition was found sufficient on 7/14/2011: 15 parcels eligible; 10 parcels required; 12 parcels signed.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This finding is met. The floor plans have been included in the staff report packet.

- I. STAFF RECOMMENDATION: Based on the findings above, staff recommends the Reestablishment of nonconforming use as a 4-plex subject to the following conditions:
  - 1. The applicant complies with all the requirements of the code compliance inspection
  - 2. The applicant receives a certificate of occupancy for the building.
  - 3. Any exterior changes to the property shall be approved by the Heritage Preservation staff or commission.

Applicant's Signature Comarline/ped/forms/nonconforming use permit Revised 1/3/07

Depart Zoning 1400 C 25 Wes Saint P	ONFORMING USE PERMIT APPLICATION ment of Planning and Economic Development Section. ity Hall-Annex at Fourth Street aul, MN 55102-1634 66-6589  Zonling Office Use Only File # 1/- 2 5249 Fee: 700.00 Tentative Hearing Date: 32.79.22.14.0227
	Name Dee Vana
APPLICANT	Address 597 Forest St
	City St Paul St: MN ZIp 55/06 Daytime Phone
<i>.</i>	Name of Owner (if different)
	Contact Person (If different) Billy Xiong Phone 651-343-1947
PROPERTY LOCATION	Address/Location: 342 Bates Ave.
LOCATION	Legal Description Lyman Dayton's addition to the city of St Paul  Ex self 6.54 x 21 Ct cor of Courrent Zoning 16-11 / R-multi-family  (ettach additional sheet if necessary)  Non-Conforming
TYPE OF PERMIT	Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:
The permit is for: [	☐ Change from one nonconforming use to another (para. c)
<b>y</b>	A construction of the cons
[	Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
	Enlargement of a nonconforming use (para. d)
	ORMATION: Supply the information that is applicable to your type of permit.
Denn-mi/Deni Hair	Will bli - 1 Give In. KOCO I slind I Co. IX in O
	MuHi-family Legal Non-Conforming
	Multi-family legal Won-Conforming
	Multi-family legal Won-Conforming
Proposed Use Attach additional she Previous	Multi-family legal Won-Conforming  sets if necessary  use of this property was a 7 plex units.
Proposed Use Attach additional she Previous Now, Thi	Multi-family legal Won-Conforming  sets it necessary  use of this property was a 7 plex units.  is property will converted to a 4 plex units.
Attach additional she Previous Now, This	Multi-family legal Won-Conforming  sets if necessary  use of this property was a 7 plex units.

June 30, 2011

Department of Planning and **Economic Development Zoning Section** 1400 City Hall Annex 25 W. Fourth St. Saint Paul, MN 55102-1634

Re-Establishing Nonconforming Use Permit for 342 Bates Avenue, Saint Paul, MN 55106

### Dear Zoning Section:

My partners and management team, Billy Xiong, May Na Xiong, and I recently purchased the property at 342 Bates Avenue, Saint Paul, MN 55106 (known as Subject Property). I, Dee Vang, and my partners authorize Billy Yia Xiong and May Na Xiong to speak and represent us on this matter. Please contact Billy Xiong for any questions at 651-343-1947. This property has been boarded up and vacant for more than two years and has been a nuisance to the neighborhood. We would like to remodel and restore this recently purchased property, specifically converting it from its original previous use as a 7-unit apartment complex to a 4-unit apartment complex.

According to the City of Saint Paul's Nonconforming Use Permit – Re-Establishment of a Nonconforming Use (Section 62.109(e)), we have informed the neighboring property owners within 100 feet of the Subject Property of our intentions and have signatures from most of our neighbors on the consent form provided. With the cooperation of the City of Saint Paul, the conversion and remodeling project can take place immediately. This will allow us the opportunity to convert this 7-unit apartment to a 4-unit apartment.

As an investor, economically, it would not make financial sense to convert the Subject Property into a single family unit or a duplex because as a single family or duplex, this house would be the largest in the neighborhood. It has double to triple the square footage of most homes in the neighborhood. As a single family home, it would be a 7 bedrooms house which would be very inefficient and unusual in the neighborhood. The heating and cooling of the building would cost too much for an individual to pay as a homeowner or a renter. Thus, a single family rental income would not support the conversion cost. As a duplex, each unit would consist of 5 bedrooms which would still be tough to rent due to the fact that most of the neighboring duplex consists of 2 bedrooms is each unit. Most family would want to rent a single family home instead of a duplex for this size and for privacy purposes.

As a four-plex, the Subject Property would serve a better and economic purpose and be an investment property we can manage well that would also provide stable cash flow income due to the fact that we would be able to keep the vacancy rate low. Each unit will have a good size of living, eating and sleeping space for the small & growing family of two adults and at least 2 children. Since we will have more adults per child, the neighborhood would be in a much more stable condition with more adults monitoring their children and keeping the noise level down. My partners/managers also live close by the Subject Property, so they would be able to respond to any notices or unwanted activities immediately.

June 30, 2011 342 Bates Avenue, Saint Paul, MN 55106 Page 2

There are neighboring properties within 100 feet that are single, duplex, four-plex, five-plex, and six-plex homes. Thus, conversion of the Subject Property to a four-plex unit in the neighborhood would also not be detrimental to the existing character of development in the immediate neighborhood nor be a danger to the public health, safety or general welfare.

As a four-plex, the Subject property would be more manageable, have less vacancy which will cause less nuisances to the neighborhood and will also help the growing family transition from being renters to becoming homeowners in the future. Lastly, as an investor, it would be an investment property worth keeping because I would expect to have long-term tenants and stable cash flow.

Thank you for your time and cooperation.

Sincerely,

Dee Vang 597 Forest St.

Saint Paul, MN 55106

651-324-7301

### DEPARTMENT OF SAPETY AND INSPECTIONS BOD Kessler, Director



CITY OF SAINT PAUL Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220 St Paul, Minnesota 55101–1806

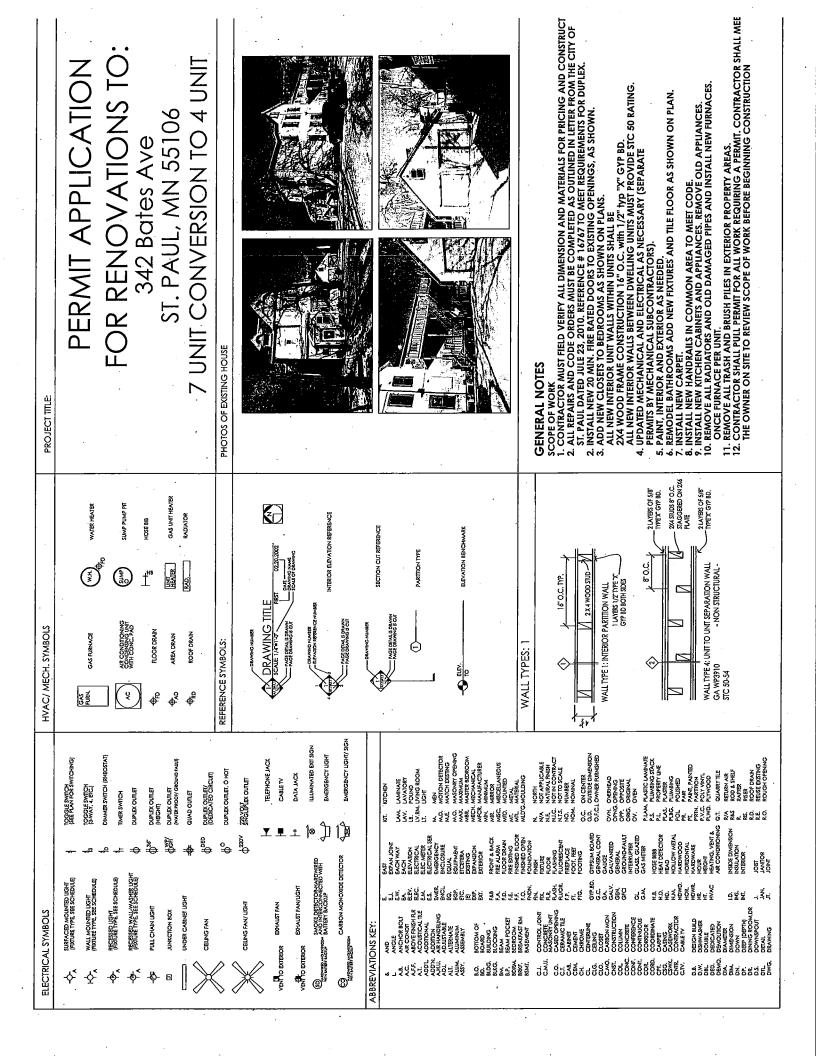
Telephone: 651-266-9090 Facsimile: 651-266-1919 Web: www.stpqul.goy/dst-

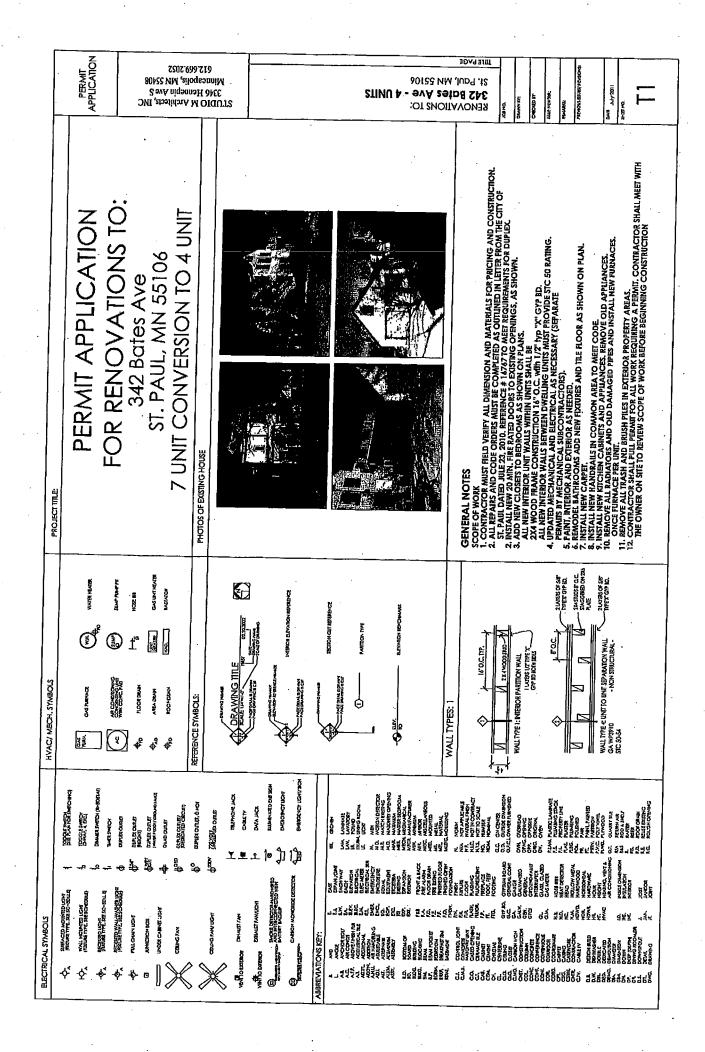
# Residential Use Affidavit For Prospective Owners of Category II Registered Vacant Buildings

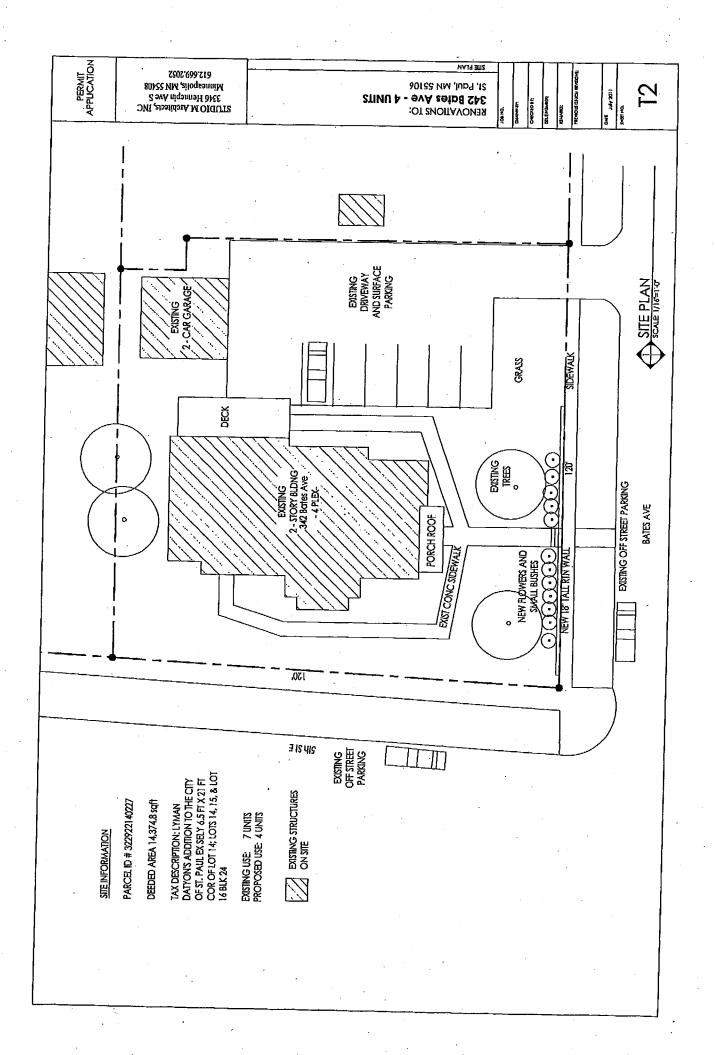
I, (printed name): Yeng Vana	_, the undersigned, certify
that I intend to purchase the residence at (street address): 342 3a465 Ave 55706	, in Saint Paul, MN
This property currently is (describe the number of units and kitcher	
I acknowledge my understanding that this property's use as a (descunits and kitchens):  Diff of the permitted in the zoning district in which it is located and is a Section 62,106 (g) of the Saint Paul Legislative Code, a noncon discontinued for more than 365 days is forfeited.	is not currently
I affirm that I will convert this property to a legal conforming use of units and kitchens): 2 Units and 2 Excher	as a (describe the number
I acknowledge that this property can reasonably and economic conforming purpose.  Signature of Prospective Owner	Cally be used for a legal
Zoning Information (To be completed by Zoning staff only)	
Property zoning CT AMANDA statu	s Tunots
Action taken Conversion to be fresh verifica	
Zoning staff ( all alla ) Date	12.9.10

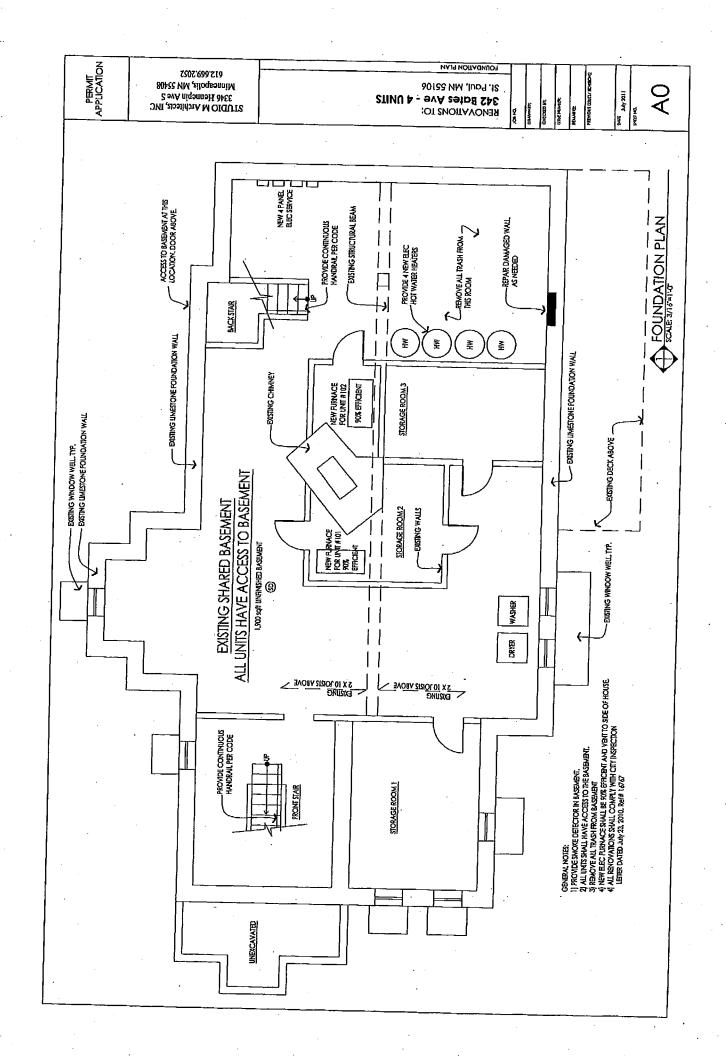
LIMHUNVEN Res Use Afficient doc Rey, 00/10/10

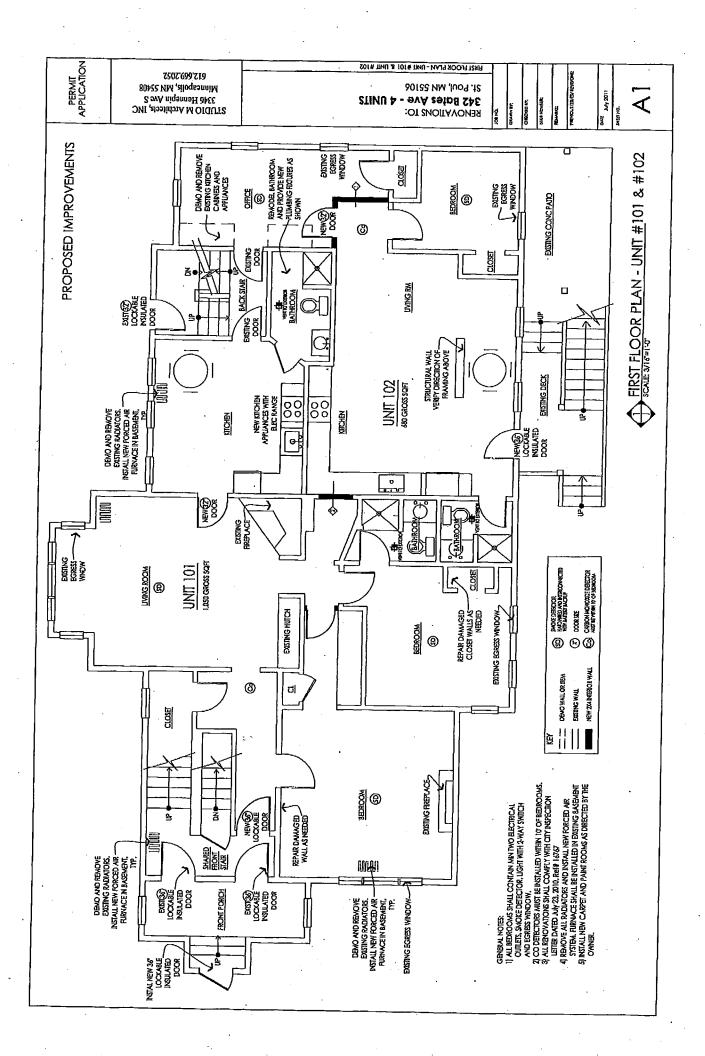
An Affirmative Action Equal Opportunity Employer

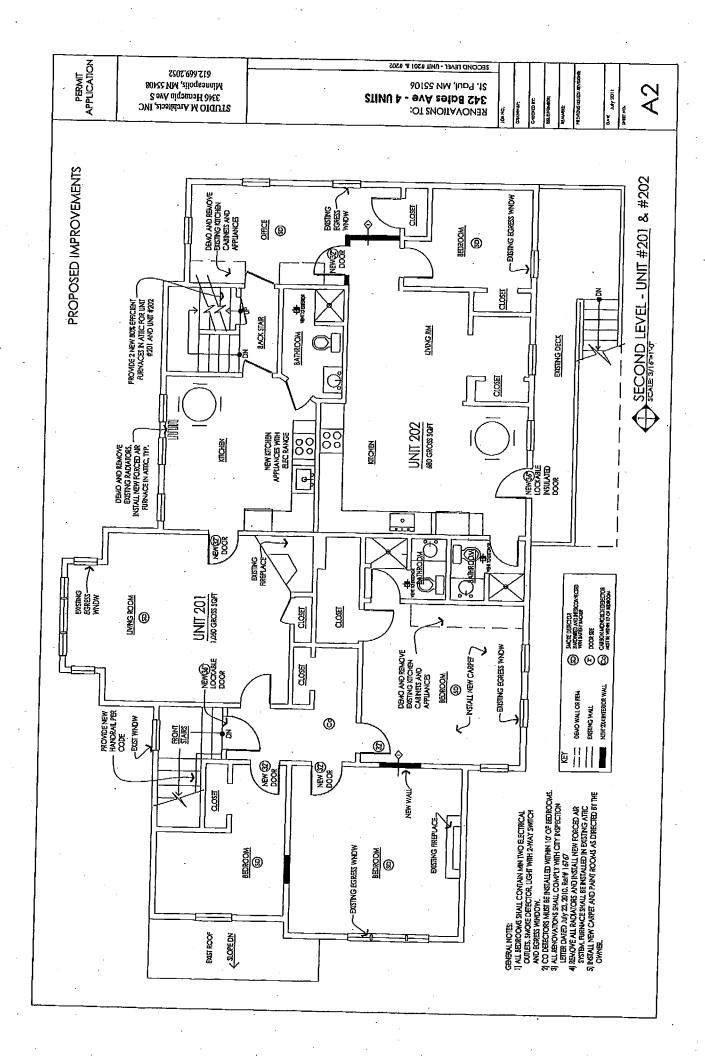












# The heating systems for this property has two options:

Force Air. All Electric Heat

# SUMMARY INFORMATION SHEET. FOR DUPLEX AND TRIPLEX COVERSION CASES

			<del>,</del>
Housing unit breakdown:		Existing	Proposed
Number of units		7	4
Number of bedrooms in eac	h unit		
Unit 1		1	2
Upit 2		i	.2
Unit 3		1	3
Unit4			2
Size of each unit in square	eet	11, 1	
Unit 1		500	1050
Unit 2		500	680
Unit 3		500.	1050
Unit 4		200.	4680
Debt:	<u> </u>	}	
Initial principal amounts			
Initia Interest rate			
Term of mortgage/debt ha	ncing		
Time remaining on note			
Balance,on existing debt		<i>M</i>	11/1
			T TOTAL
Rehabilitation		/	
Type of Improvements:		<b>-</b>	
, , , , , , , , , , , , , , , , , , ,			
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	<i>i</i>		
	1		
		:: ;	

Continue next page

# SUMMARY INFORMATION SHEET. FOR DUPLEX AND TRIPLEX COVERSION CASES

Housing unit breakdown:	Existing	Proposed
Number of units		
Number of bedrooms in each unit		
Unit 5	1	Ø/NA
Unit 6	1	O'/NA
Unit a	1 :	Ø/NA
	ļ	
Size of each unit in square feet		
Unit 1	500	· NA
Unit 2	500	NA
Unit 3	500	NA
	11	11.00
Debt: NON-Free a clear	None	None
Initial principal amount	50,000	NA
Initial Interest rate	NA	NA
Term of mortgage/debt financing	NA	I.NA
Time remaining on note	NA .	NA
Balance on existing debt	NA	NA
Park till till till till till till till til		<del> </del> -
Rehabilitation		
Type of Improvements:		
parking Cot heat systems		
plumbing, electrical systems	<u> </u>	
Landscape Carpet Floor		<del> </del>
Repair Windows Bathroom:		
Kitcheri & General clean up		<del> </del>
water Heaters		

# PRO FORMA INFORMATION SHEET FOR DUPLEX AND TRIPLEX CONVERSION CASES Continuation of Extra Units

· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·		the state of the s
Required Information			With Conversion of Structure
			to Legal Number of Units
		Tunito	4 Units
Income		•	
Total monthly rent income for all I	units	<del>\$3850</del>	3000
Monthly income from structure of	her than rent	* Ø .	\$6
Existing vacancy (if any)		\$385O	\$3000
Effective gross Income (EGI) / mo	onth 1	\$ 3856	\$ 3000
Effective Gross Income / year		\$ 46200 currently	\$ 36,000 all vacant
Operating Expenses (Annual)	2 .	\$ 24.884	\$ 18084 -
Maintenance	:	5000	<b>2.6</b> 00
Insurance		3000	2500
Utilities (only include amount paid	i by landlord)	/2000	5000
Other (identify)	•	0	Ø
Taxes		7584	7584
Net Operating Income (Annual)	3	\$ 21316 .	\$ 17,916
Monthly debt / mortgage paymen	t	NA	Ø
Annual debt payment		\$ NA	\$ 9
Rehab projects		AM	
Total cost of Improvements		WA	56,500
Monthly rehab debt payment		NA:	Ø
Annual rehab debt payment	· · · · · · · · · · · · · · · · · · ·	\$ NA	\$ Ø
Cash Flow: profit, (loss) 4		\$ 21314	\$ 7916 ·

NOTE: 1. Effective Gross Income = (Total rent Income) - (Vacancy, if there is any)

<sup>2.</sup> Operating expenses are the sum of the next five lines, incl maintenance, insurance, utilities, taxes and others:

<sup>3.</sup> Net Operating Income = (Effective Gross Income) - (Operating Expenses)

<sup>4.</sup> Cash Flow = (Net Operating Income) - (Annual debt payment)

Estimated Gross Rental Income

7-Units	4 Units
550	700
550	750
550	700
550	850
550	N/A
550	N/A
550	N/A
3,850	3,000
46,200	36,000
	550 550 550 550 550 550 550

Annual Expense

Current Tax	\$7,584	repair, snow, vancancy, and etc
Insurance	\$2,500	
Maintenance cost	\$3,000	
Utilities	\$5,000	
total Expense	\$18,084	

Gross income	\$36,000
Annual expense	\$18,084
Net rental income	\$17,916
Monthly cash flow	\$1,493

# **Estimate Conversion Cost**

\$20,000	Heating System (Force Air or Electric Heat)
\$4,000	Electrical system
\$8,500	Plumbing System
\$16,000	General Carpentry (interior and exterior)
\$8,000	Parking lot and Landscape
\$56,500	Total Conversion Cost

## CITY OF SAINT PAUL

# CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge

that we have been presented with the following:

A copy of the applicati	on of	Dee Vana		· · ·
•		(name o	of applicant)	
to establish a R-Mu	Hi-fe	extily Non-Cov	nforming 4 plex sed use)	<u></u>
- 44 6			•	. •
located at 342 &	outes	the 8t Pa	ml MN 55/06	·.
•		(address	s of property)	
requiring a nonconform documentation.	iing use p	permit, along with an	y relevant site plans, diagrams	or other
_ <del>_</del>	•	this application as i	it was explained to us by the	applicant or
his/her representative	•		. (	
ADDRESS OR PIN	RE	CORD OWNER	SIGNATURE	DATE
24 Butes Ave	Kar	i. Jo Soeffker	Kar South	6-29-11
335 Bates Ave	Carl	E Peastee	cal Extenden	4-20-11
337 Bates Ave		hael J. Diesslin	Michael J. Dun	hr.6120/11
551 Bates Ave	Han	E Trung Cu	Church	7-7-11
121 54 ST E	] : '	ent 2. scheele	1. Shah	6.20.11
342 Bates Ave	1	vang		06/20/2011
352 Bates Ave		lley T Nilles		
352 Bates Ave	, , .	ley T. Nilles		
123 4th st E	}	12. Voss	1	
165 474 STE	l	1 B. Laver	Commit 15 lan	6/20/1
122514 St E	}	a A. Leventhal	Port live D	6/20/11
124 STU STE		w. Wacterfuss	Roger Wackenfair	6/28/11
121 474 ST E	Davi	d chavez	(VN)	1/20/11

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible

signatures on this petition.

### CITY OF SAINT PAUL

# CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

to establish a R-multi-family Non- Conforming (proposed use)

(name of applicant)

A copy of the application of\_

signatures on this petition.

iocand ar	tes Ave 3t-Paul	MN 55/06 of property)	
requiring a nonconform documentation.	ing use permit, along with any	relevant site plans, diagr	ams, or other
We consent to the appr his/her representative.	roval of this application as it	was explained to us by	the applicant or
ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
352 Bates AVE	Bradley Nilles	Break	July 7-7-1
352 Bates Ave		11	1 11
	Q .		
•			
		<del></del>	
		<del></del>	
÷ .			
		· · · · · · · · · · · · · · · · · · ·	:
2000 477 6	unper portion of this application		T 4 2 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2

9/08

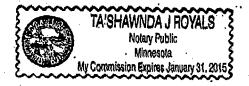
# CITY OF SAINT PAUL

# AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)	
:SS COUNTY OF RAMSEY)	
The petitioner, Dee Vava that the consent petitioner is informed and believe are owners of the parcels of real estate described parties described on the consent petition is an own property described in the petition; the consent petition; and the consent petition was signed by eand correct signatures of each and all of the parties.	immediately before each name; each of the vner of property within 100 feet of the subject tition contains signatures of owners of at least 00 feet of the subject property described in the each said owner and the signatures are the true
	NAME
	991 Forest St, St. Paul, MN 55106 ADDRESS
	704-701-2005 or 651-324-730 TELEPHONE NUMBER

Subscribed and sworn to before me this \_\_\_\_\_\_\_, 2011.

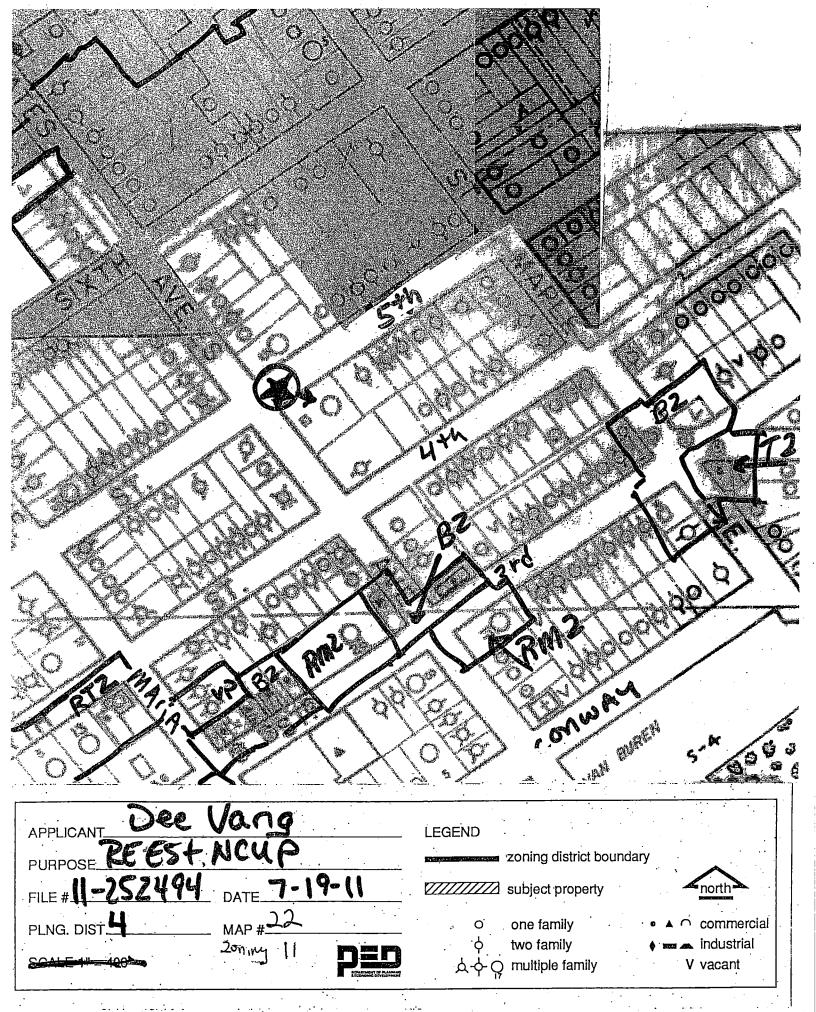
NOTARY PUBLIC



# ZONING PETITION SUFFICIENCY CHECK SHEET REZONING SCUP NCUP

FIRST SUBMITTED	<u>RESUBMITTED</u>
DATE PETITION SUBMITTED: $7-14-11$	DATE PETITION RESUBMITTED:
DATE OFFICIALLY RECEIVED: 7-19-11	DATE OFFICIALLY RECEIVED:
PARCELS ELIGIBLE:	PARCELS ELIGIBLE:
PARCELS REQUIRED: 9	PARCELS REQUIRED:
PARCELS SIGNED: 1	PARCELS SIGNED:
CHECKED BY: PAN Dubrure L	DATE: 7-19-11
A CONTRACT C	





### ZONING COMMITTEE STAFF REPORT

1. FILE NAME: Culvers (1489University)

**FILE #** 10-915-026

2. APPLICANT: Kline Volvo Inc

**HEARING DATE:** August 11, 2011

3. TYPE OF APPLICATION: Conditional Use Permit

4. LOCATION: 1491 University Ave W, between Simpson and Pascal

5. PIN & LEGAL DESCRIPTION: 342923230229, Lyman D Bairds Addition Lots 11 Thru Lot 15 Blk

6. PLANNING DISTRICT: 11

PRESENT ZONING: T2

7. **ZONING CODE REFERENCE:** §65.615; §65.613; §67.700 §61.501; §61.502

8. STAFF REPORT DATE: August 1, 2011

BY: Anton Jerve

9. **DATE RECEIVED:** October 22, 2010

60 DAY DEADLINE FOR ACTION: December 21, 2010

A. **PURPOSE:** Conditional Use Permit for a fast food restaurant with drive-through service, and modification of standards for ingress and egress on Pascal Street and Simpson Street.

B. PARCEL SIZE: 49,460 square feet

C. EXISTING LAND USE: Vacant commercial, retail

D. SURROUNDING LAND USE:

North: Single and multifamily residential (R4)

East: Commercial (T2)

South: Commercial and fast food – Midway Shopping Center (T4)

West: Vacant and commercial (T2)

- E. **ZONING CODE CITATION:** §65.615 permits fast food restaurants subject to 9 conditions; §65.513 lists the standards and conditions for drive-through sales and services; §67.700 provides additional regulation as required by the Central Corridor Overlay District; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** The site was an auto dealership prior to 1948. More recently, the property has been used for retail and auto repair. Currently two of the three buildings are vacant. There is no zoning history for the property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 11 Council had not commented by the time of this report.

### H. FINDINGS:

- 1. The applicant, Kline Volvo, Inc., is proposing to renovate an existing building at the University Avenue/Simpson Street intersection for a Culver's fast food restaurant with a drive-through and renovate the two existing buildings at the University Avenue/Pascal Street intersection for commercial uses. Portions of the three renovated buildings will be demolished to allow for circulation and parking. The fast food use and drive-through require a conditional use permit.
- 2. This application was originally submitted on October 22, 2010 prior to the completion of the Central Corridor/TN Zoning Study. The applicant's representative requested a continuance for the application November 17, 2010 and waived their right to a decision within 60 days. Therefore the application is subject to B3 and Central Corridor Overlay zoning district requirements rather than the present zoning. The Central Corridor Overlay expired when the property was rezoned to T2 as part of the Central Corridor/TN Zoning Study effective June 4, 2011.
- Fast food restaurants are permitted in the B3 zoning district subject to the following conditions:
  - (a) Except in I1-I2 Industrial Districts, a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area, and for any establishment with drive-

- through service. In T2-T3 Traditional Neighborhood Districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail. This condition is met. A conditional use permit is the subject of the application.
- (b) In the B2 Community Business District, fast-food restaurants shall be incorporated within a multi-use retail center, and shall not provide drive-through service. This condition is not applicable. The property is not in a B2 District.
- (c) Drive through service shall meet the standards and conditions in Sec. 65.513. Drivethrough sales and services, primary and accessory. This condition can be met provided the Planning Commission approves a modification for vehicular egress/ingress distance from residentially zoned property. See Finding 4.b.
- (d) Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property. This condition is partly met. Ingress will be from University Avenue and Pascal Street. University Avenue is a major commercial street. Pascal Street will be a signalized intersection crossing University Avenue and will be used by commercial and residential traffic. Egress will be to University Avenue, Pascal Street and Simpson Street. Simpson Street is used primarily for access to abutting residential property north of the alley. The applicant has requested a modification of this condition for the Simpson Street egress and proposes left turns to University Avenue only to keep vehicles away from the residential property north of the alley.
- (e) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of any two (2) streets and at least sixty (60) feet from any abutting residentially zoned property. This condition is partially met. The applicant has requested a modification of this condition. The University Avenue ingress/egress is approximately 180 feet from the closest intersection. The Pascal Street egress/ingress is approximately 90 feet from the intersection but only 33 feet from residentially zoned property. The Simpson Street egress is approximately 85 feet from the intersection and only 45 feet from residentially zoned property. If the Planning Commission grants the modification, this condition will be met.
- (f) When the site abuts an alley which also serves residentially zoned land, no access from the site to the alley shall be permitted. This condition is met. The site abuts residentially zoned land and there will be no access from the site to the alley.
- (g) Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material. This condition is met. The site plan indicates trash receptacles will be housed in the required structure.
- (h) A litter collection plan shall be developed and submitted to the planning commission, which obligates the restaurant operator to keep the area surrounding said restaurant free of restaurant litter for a reasonable specified distance. This condition is met. A litter collection plan was developed and will be administered by the fast-food restaurant franchise owner.
- (i) A landscaped area not less than fifteen (15) percent of the impervious surface area of the lot shall be provided and maintained. This condition is met. The landscaped area is proposed to be 25 percent of the parking lot area.
- (j) Impact on adjoining property by use of the site may not result in the following:
  - (1) Loud, boisterous and disturbing noise levels.
  - (2) Hazardous traffic conditions.
  - (3) Offensive, obnoxious and disturbing odors.

Zoning File # 10-915-026 Zoning Committee Staff Report page 3

- (4) Excessive litter.
- (5) Excessive artificial lighting.
- (6) Substantial decrease in adjoining property values.

This condition is met. The majority of activity will take place indoors and will not produce excessive noise levels. The drive though speaker will be designed to not disturb residential property. The restaurant is proposed to be open until 10:00pm with the drive-though open until 11:00pm in the summer. The parking lot and drive though have been designed to minimize potential traffic conflicts. The applicant states that the restaurant will vent its exhaust to readily dissipate. The franchisee has developed and will implement a litter collection plan to keep the property adequately clean. The lighting will be designed to City standards. The project will put several vacant buildings and empty lots into active use. Rehabilitating three buildings will, at a minimum, have a neutral impact on property values and could possibly have a positive impact on property values.

- 4. §65.513 lists six standards and conditions for drive-through sales and services:
  - (a) Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling. This condition is met. The proposed drive-through lane is to be located to the interior block side of the building and approximately 70 feet from residentially zoned property.
  - (b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property. This condition is partially met. The applicant has requested a modification of this condition. The University Avenue ingress/egress is approximately 180 feet from the closest intersection. The Pascal Street egress/ingress is approximately 90 feet from the intersection and 33 feet from residentially zoned property. The Simpson Street egress is approximately 85 feet from the intersection and 45 feet from residentially zoned property. If the Planning Commission grants the modification, this condition will be met.
  - (c) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property. This condition is met. The speaker box will be located approximately 120 feet from the nearest residential property. The applicant has stated that the volume will be kept at a level not to disturb the residential properties to the north.
  - (d) A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property. This condition is not applicable, as there is no adjoining residential property.
  - (e) Stacking space shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces pre drivethrough lane. Stacking spaces for all other uses shall be determined by the zoning administrator. This condition is met. The site plan indicates that there are at least four stacking spaces for the drive-through lane.

Additional condition in the Central Corridor Overlay and TN2 traditional neighborhood district:

(f) There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes. This condition is met. The applicant is proposing to construct one drive-through lane with one service window.

- 5. §61.501 lists five standards that all conditional uses must satisfy:
  - (a) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The use is in substantial compliance with the Comprehensive Plan. The use is supported by the following Snelling Station Area Plan policies regarding land along the north side of University Avenue:
    - 4.2.1.a) Along the north side of the Avenue new development or expansion of existing buildings should be predominantly low to mid-rise in scale up to 3 commercial stories in height. 3 residential stories above one story of first floor retail would also be acceptable.
    - 4.2.g) Ensure first floor units and storefronts have at least one entrance that is oriented towards the Avenue, access points to the station platforms, and/or key gathering places.
    - 4.2.h) Commercial or retail uses located on the first floor should help to animate the street by incorporating large glass frontages that allow the activity within to be seen from the street.
    - 4.2.2 e) Building gaps along the street frontage within Station Area Mobility
      Zone should be discouraged. Where gaps do exist they should be adequately
      landscaped along the street frontage.
  - (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. The use will have direct and indirect access to westbound University Avenue via a curb-cut on University Avenue and exit to Simpson Street as well as access to northbound and southbound Pascal Street. Pascal/University will be a signalized intersection and will provide access to eastbound and westbound University Avenue. This is expected to provide adequate egress/ingress to the site.
  - (c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The proposed uses are similar to existing commercial uses in the immediate area and therefore consistent with the character of the neighborhood.
  - (d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The use will not impede improvement of surrounding property. The use will rehabilitate existing buildings to make them viable for uses currently allowed in the district.
  - (e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition will be met. The use meets all requirements for B3 districts. The Central Corridor Overlay District has a minimum 1.0 floor area ratio (FAR) in station areas. Existing buildings that do not meet this are legal nonconforming uses and are allowed to continue as long as the use does not increase the nonconformity. The proposed use will reduce usable floor area for new buildings. The project will replace approximately 4,650 square feet of demolished floor area in the easternmost building with 5,719 square feet of landscaping (not including required perimeter landscaping), which is calculated toward FAR under the Central Corridor Overlay District (Sec. 67.706.a). The demolished portions of the other two buildings were used as accessory parking and are not calculated toward floor area, per Sec. 60.207. Therefore the use will not reduce the FAR and meets all requirements of the Central Corridor Overlay District.

Zoning File # 10-915-026 Zoning Committee Staff Report page 5

- The planning commission may approve modifications of special conditions when specific criteria are met: Strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property. This condition is met. The proposed uses are allowed at this location. The parcel is approximately 121 feet deep from University Avenue right-of-way to the alley. To meet the required 60 feet egress/ingress setback distance from both intersections and residential property all curb-cuts would have to be on University Avenue. This would likely require multiple curb-cuts along University which would be inconsistent with pedestrian goals of the Station Area Plan. It would also not allow for access to Pascal Street which provides eastbound access to University Avenue. Although the Central Corridor Development Strategy allows for commercial uses to share alleyways with residential uses, this is not allowed for fast-food restaurants. This further reduces opportunity for efficient circulation for the use. Not allowing access to Pascal and Simpson streets could lead to traffic exiting the restaurant on to University to circle back through the neighborhood to Pascal to have access to eastbound University. Modifying the 60 foot setback from residential uses allows for vehicular access with minimal pedestrian disruption while maintaining screening from residential uses and keeping traffic north of the alley on Simpson to a minimum.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for a fast food restaurant with drive-through service, and modification of standards for ingress and egress on Pascal Street and Simpson Street subject to the following additional conditions:
  - 1. A site plan is approved.
  - 2. The number and width of curb-cuts shall be minimized.
  - 3. The Simpson Street exit will be signed to direct traffic toward University Avenue.
  - 3. Required landscaping will be concentrated along the public right-of-way, pedestrian pathways, and drive-though to the greatest extent possible to screen the parking lot and drive through.



### APPLICATION FOR SITE PLAN REVIEW

Department of Safety and Inspections (DSI) 375 Jackson Street Suite 220 Saint Paul MN 55101-1806 651-266-9086

SPR# 10-	NLY 909016
Fee \$ 520	
Staff meeting of	late: 2 7 12 H
City agent	Tom Beach

-	APPLICAN	ı
	(Main contact	
	person for project	j
Fol	rest K	
4		

7 im 6. Stave P.

> OWNER (If different than the applicant) .

Name Jack Grotkin
Company RJ Ryan Construction
Address 1100 mendota Heights Rd
City mendota Heights State MN Zip 55120
Phone 451 681 1200 Email jarotkin & rjyan-com
Name <u>Fick Kline</u> Company Kline Volvo
Address 1590 N Highway Lol, maplewood, MN 55109
Phone 412 221 8784 Email

P	R	O.	IJ	ΞC	T

Project name / description/	Midway Comn	1015	
Re development	for retail		
	÷		•
Project address / Location	1461-1491	University	Arc
Legal description of the prop	erty: <u>Lot 11-25, 1</u>	Block 6, Lyma	n D

Applicant's signature

Sub Bld Aldn Work Commercial S.F. 48,000 Type Site Plan STAFF USE ONLY Folder Name Midway Gommons

Reviewed by

Comments:

- Staff reviewed this plan last fall. There have been some minor changes to the plan since then.
- There was a site plan review meeting on 10/26/10. Let me know if you want to see the summary of that meeting.
- This project will also require a Conditional Use Permit

	(attach additional sheets if necessary)			
	Bond/letter of credit/escrow \$	Date	•	
-	Site plan approved by	Date		
	Work approved by	Date		• • • • • • • • • • • • • • • • • • •

# **Request for Continuance**

November 17, 2010

Richard Kramer, Chair Zoning Committee City of Saint Paul 375 Jackson Street Suite 220 Saint Paul, Minnesota 55101

Re: Files # 10-909016 (Site Plan Review) and 10-92637 (Conditional Use Permit) Midway Commons at 1461 University Avenue

Dear Mr. Kramer:

I am the applicant or the applicant's duly appointed representative in the Zoning Files above stated.

I request a continuance of the public hearing on the application in these Zoning Files which is presently scheduled before the Zoning Committee on 11/23/10 in order to submit a revised site plan.

I understand that a continuance of the public hearing before the Zoning Committee means that the final decision of the Planning Commission on this application, which is presently scheduled on 12/3/10 will also be continued.

I understand that if a revised site plan is submitted by 11/29/10 the Zoning Committee will continue the public hearing to 12/9/10 and that the Planning Commission will make a decision on my applications on12/17/10

I am aware of and understand the statutory requirements found in Minn. Stat. § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to waive the statutory requirement for a decision on the application within the sixty day period.

Sincerely,

Signature of Applicant or Applicant's duly appointed representative.

Sheldon Berg

Printed name of Applicant or Applicant's duly appointed representative.



1100 Mendota Heights Road

Mendota Heights, MN 55120

(651) 681-0200

Fax (651) 681-0235

Amended July 21, 2011

Department of Planning and Economic Development Zoning Section 1400 City Hall Annex 25 Fourth Street West Saint Paul, MN 55102

Project: Midway Commons – 1489 & 1475 University Avenue W.

### **Findings for Conditional Use**

Findings for General Standards per 61.501

- (a) The extent, location and intensity of the use are in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans (Snelling Station Area Plan and Central Corridor Overlay) which were approved by the city council. The proposed project reuses existing building stock, thereby preserving resources, provides mixture of uses for the property and redevelops a vacant and underutilized property.
- (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. The project proposes to provide one ingress/egress from University Avenue and Pascal Street and one egress to Simpson, which is a left turn only. It will provide improved circulation by taking one entry from University and relocating it to Pascal Street enabling entry from east bound traffic on University Avenue. The uses of the property are similar in scale and occupancy to those that previously existed on site.
- (c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. The uses are consistent with other uses in the neighborhood and the redevelopment will bring vitality to the site along with new business and employment opportunities to the now vacant east building.
- (d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The proposed uses are permitted in the current zoning district.
- (e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The project is in conformance with all other requirements of the district.

### Findings for Standards and Conditions of a Fast Food Restaurant per 65.615

- (a) Except in I1—I2 industrial districts, a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area, and for any establishment with drive-through service. In TN2—TN3 traditional neighborhood districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail. A conditional use permit for the drive-through service standards and conditions is described below.
- (b) In the B2 community business district, fast-food restaurants shall be incorporated within a multi-use retail center, and shall not provide drive-through service. Not applicable.

- (c) Drive through service shall meet the standards and conditions in section 65.513, drive-through sales and services, primary and accessory. The drive-through service meets the standards and conditions in section 65.513 for drive-through sales and services, primary and accessory.
- (d) Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property. The adjacent entry from Pascal Street provides access to the commercial artery and the commercial buildings across Pascal Street from the proposed project.
- (e) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of any two (2) streets and at least sixty (60) feet from any abutting residentially zoned property. The main entry for the fast food restaurant, serving the drive-through is from University Avenue, which is approximately 185 feet from the nearest intersection. This entry and an auxiliary entry from Pascal Street provide access to the entire commercial development. The distance to the nearest residentially zoned property from the Pascal Street ingress/egress point is 33 feet. The egress onto Simpson is 85 feet from University. See the modification of special condition below.
- (f) When the site abuts an alley which also serves residentially zoned land, no access from the site to the alley shall be permitted. No access is proposed to connect to the residential alley to the north.
- (g) Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material. The trash receptacles are located within a three-sided masonry enclosure.
- (h) A litter collection plan shall be developed and submitted to the planning commission, which obligates the restaurant operator to keep the area surrounding said restaurant free of restaurant litter for a reasonable specified distance. The restaurant owner will administer a litter collection plan.
- (i) A landscaped area not less than fifteen (15) percent of the impervious surface area of the lot shall be provided and maintained. A minimum of 15% of landscaping for the combined parking area will be provided.
- (j) Impact on adjoining property by use of the site may not result in the following. There will not be adverse impacts on the adjoining properties due to the following measures taken by the property design and management.
  - (1) Loud, boisterous and disturbing noise levels. Culver's is a family –oriented restaurant, so no loud, boisterous and disturbing noises are anticipated. The restaurant is planned to be open from 10:30am through 10:00pm (with drive through hours extended to 11:00pm in the summer).
  - (2) Hazardous traffic conditions. A clear and easy to navigate parking area is being proposed, which will not create hazardous traffic conditions.
  - (3) Offensive, obnoxious and disturbing odors. The restaurant directs it exhaust at a height and velocity to readily dissipate.
  - (4) Excessive litter. The restaurant will manage litter pick-up. Culver's is known for their clean, well-maintained restaurants.
  - (5) Excessive artificial lighting. Site lighting will follow city requirements for light cut-off at the property line.
  - (6) Substantial decrease in adjoining property values. The active use of the property will reinforce property values compared to the existing vacant buildings currently on-site.

Findings for Drive Thru Use per Sec. 65.513:

### Standards & Conditions

(a) Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling. The drive-thru lane and service window is located on the side of the building and the drive up window is greater than 60 feet from the closest residential property.

- (b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property. The main entry for the fast food restaurant, serving the drive-through is from University Avenue, which is approximately 185 feet from the nearest intersection. This entry and an auxiliary entry from Pascal Street provide access to the entire commercial development. The distance to the nearest residentially zoned property from the Pascal Street ingress/egress point is 33 feet. See the modification of special condition below.
- (c) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property. Speaker box is located parallel to the residential property and volume level will be kept to a reasonable level so as not to disturb the peace and quiet of the abutting residential properties.
- (d) A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property. The property does not immediately abut a residential property. A residential alley lies between the property and the neighboring residences. However plantings and a fence shall be provided along the length of the queuing lane to screen the drive-through lane from University Avenue. In addition, a 4'-6"screen wall and one and one-half foot rise in grade screen the property from the alley and residences to the north.
- (e) There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes. The restaurant shall have one drive-through lane and one service window.

### Proposal for Modification of Special Conditions per Sec. 61.502:

The project is proposing a modification for the special condition under the Conditional Use Permit to allow an ingress/egress access to the redevelopment, which includes a fast food restaurant (per 65.615 (e)) and drive through service (per 65.513 (b)) within 60'-0" of a residentially zoned property.

The strict application of the special conditions would unreasonably limit the lawful use of the property. The owner plans to renovate and lease the existing buildings on site for general retail use and a fast food restaurant. The special conditions for a fast food restaurant with drive-through service prevent the lawful use of the commercially zoned property in this location. The Central Corridor Overlay and the Snelling Station Area Plan each aim to limit curb cuts along Snelling Avenue and the extension of the median through Simpson Street limits access to the site.

With a site that is approximately 120'-0" deep north-south, it is impossible to locate an ingress/egress point on a side street where the required separations from the intersection to the south are 60'-0" and a 60'-0" separation from the residentially zoned property to the north. While the Central Corridor allows an access point to the alley behind commercial property, it is not allowed for fast food or drive through developments. In addition, the owner is renovating two existing buildings, which limit the locations for ingress/egress points. The proposed access point from Pascal Street is 33 feet from the nearest residentially zoned property and was acceptable to the neighborhood land use committee. The location works well to keep traffic out of the neighborhood as it directs traffic to a signaled intersection at University Avenue and while. The access point gives adequate access to the development while making a minimal impact on the neighborhood and limiting congestion on University Avenue by eliminating one of the existing curb cuts.



August 4, 2011

City of St. Paul 375 Jackson Street Suite 220 St. Paul, MN 55101-1024

Attn: Mr. Tom Beach

Mr. Anton Jerve

Re: Culvers/Midway Commons

Litter Pick-up Plan

### Gentlemen:

Please consider this the litter/pick-up plan for culvers per your request. Culvers will have a person clean in the morning and before each shift begins and do a manager walk-around to clean up the lot a minimum of three times daily. It is extremely important to Culver's image to maintain a clean site.

We look forward to working with the City of and being a new resident of the City of St. Paul. Please call with questions.

Sincerely,

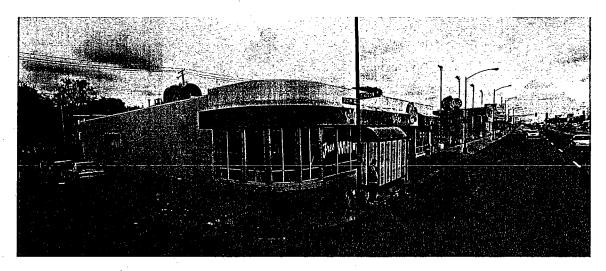
Chad Liston

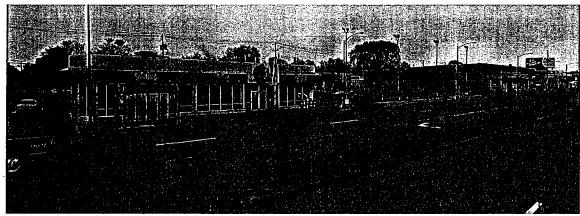
Owner/Operator

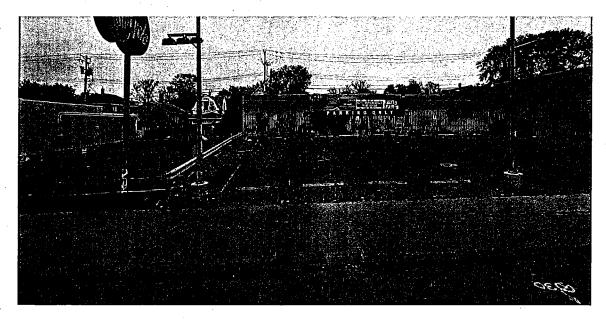
612-669-9789

Midway Commons Culvers-St. Paul Letter 8-4-11.Doc

Zoning File 10-915-026 – Current Conditions Page 1 of 2

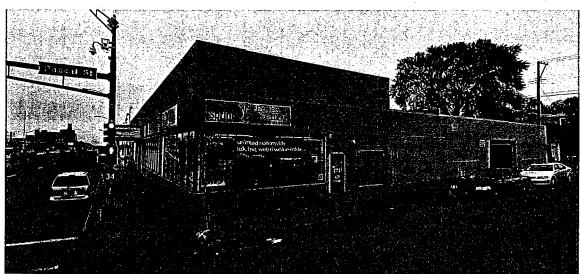


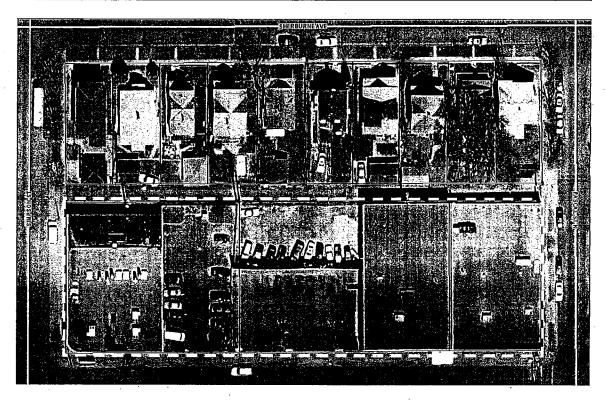




Zoning File 10-915-026 – Current Conditions Page 2 of 2







# KLINE AUTO WORLD

NISSAN VOLVO

March 17, 2011

Tom Beach City of St. Paul

Re: Midway Commons/Culvers Project

Mr. Beach,

I am confirming for your records that the lease between Kline Volvo and APSCO Products/dba Big Wheel Rossi for 1469 University Ave did not include the western back area of the building. When negotiating the lease in 1994/1995 Big Wheel Rossi did not have a use for that area, while looking for a tenant we used that space for daily overflow parking that was occasionally needed for our dealerships and after a few months allowed Big Wheel Rossi to use that space for employee parking to allow more parking for Customers. If you have any questions, or would like to meet please call me at 612-221-8784.

Sincerely,

Rick Kline

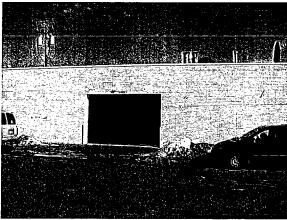
President

Kline Auto World

Demolished Building Photos for FAR Calculation Zoning case 10-915-026

Culvers Building Demolished Area – Accessory garage Not included in FAR calculation, per *Sec. 60.207.f, Floor Area* 

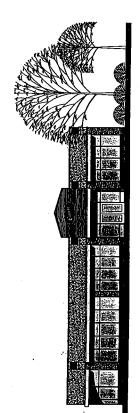




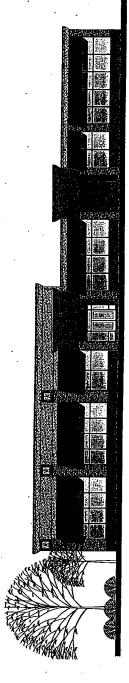
Easternmost Building Demolished Area – Auto repair Included in FAR calculation





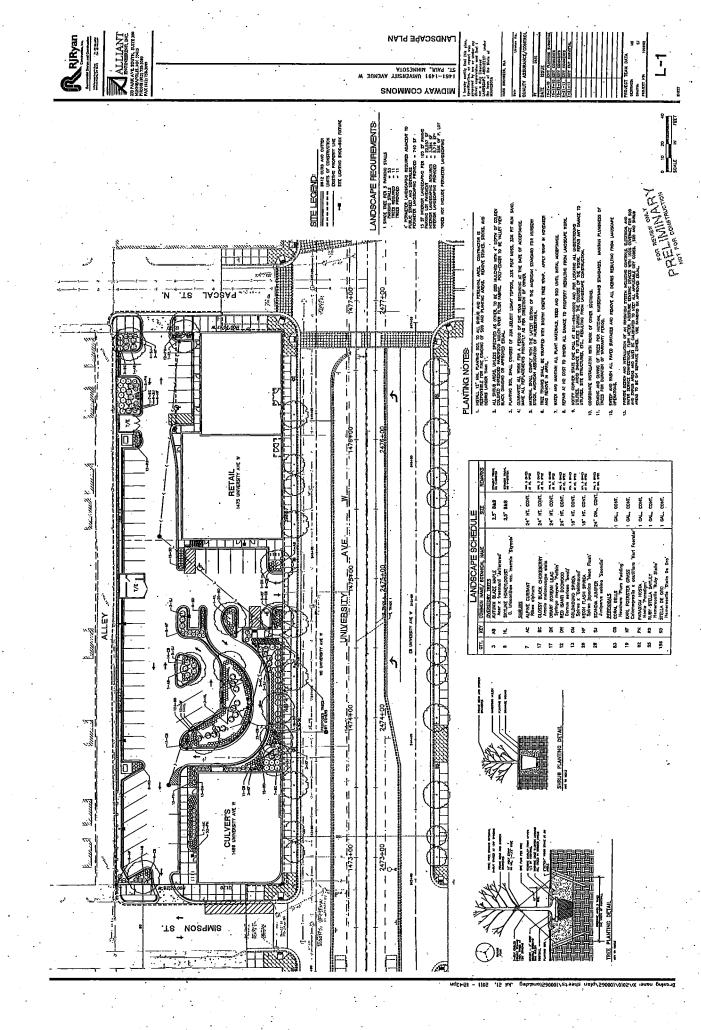


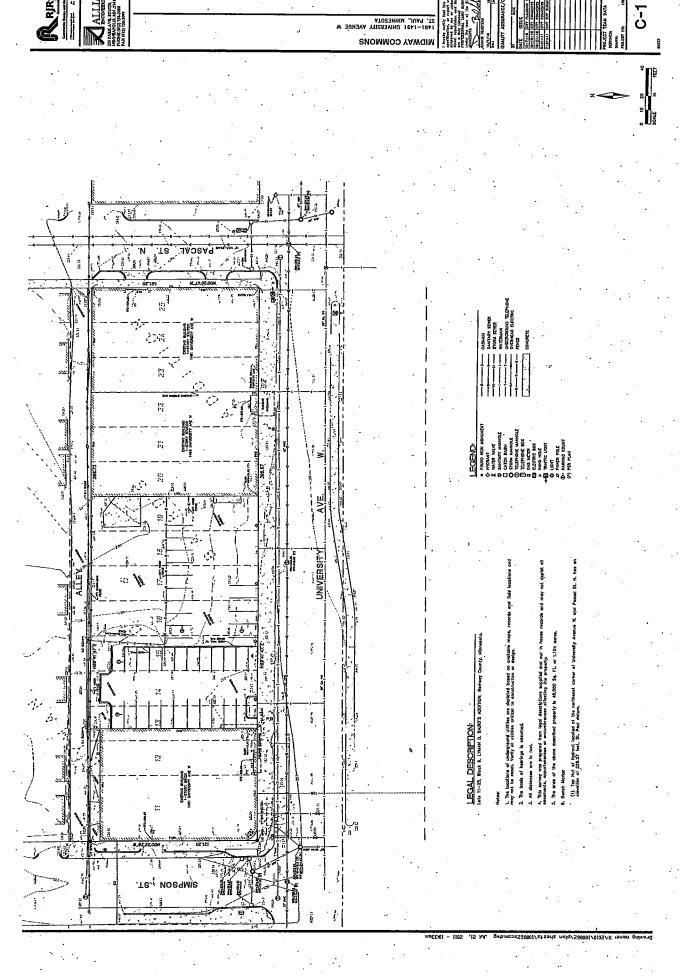
RESTAURANT South Elevation



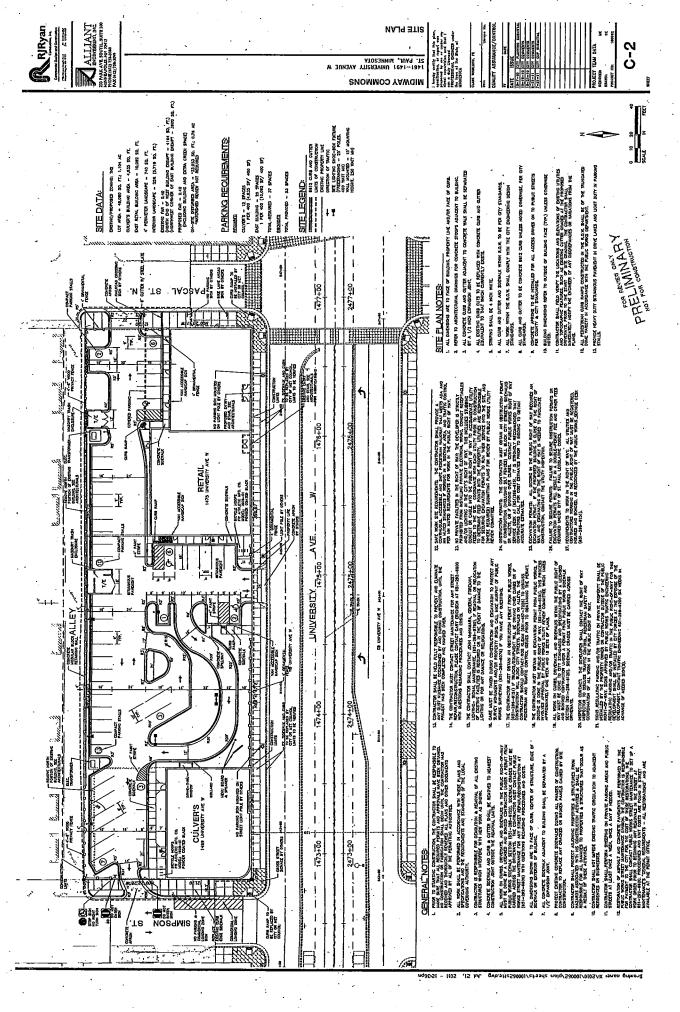
RETAIL South Elevation

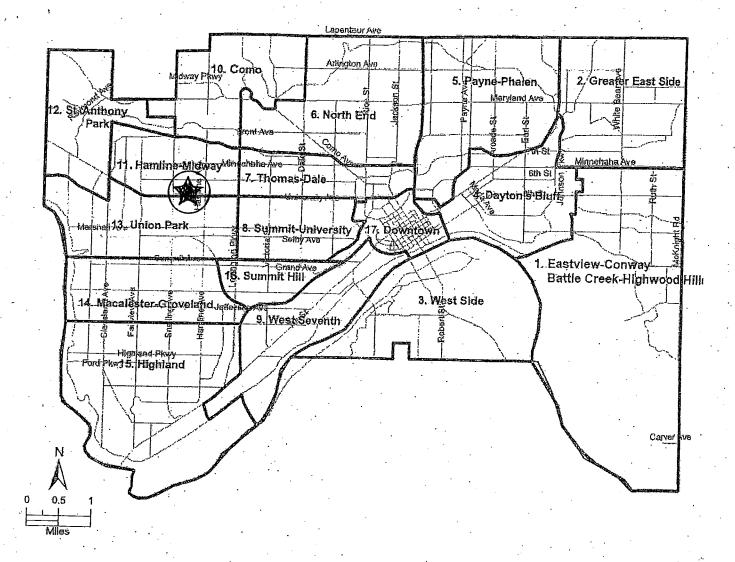
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EXISTING CONDITIONS SURVEY

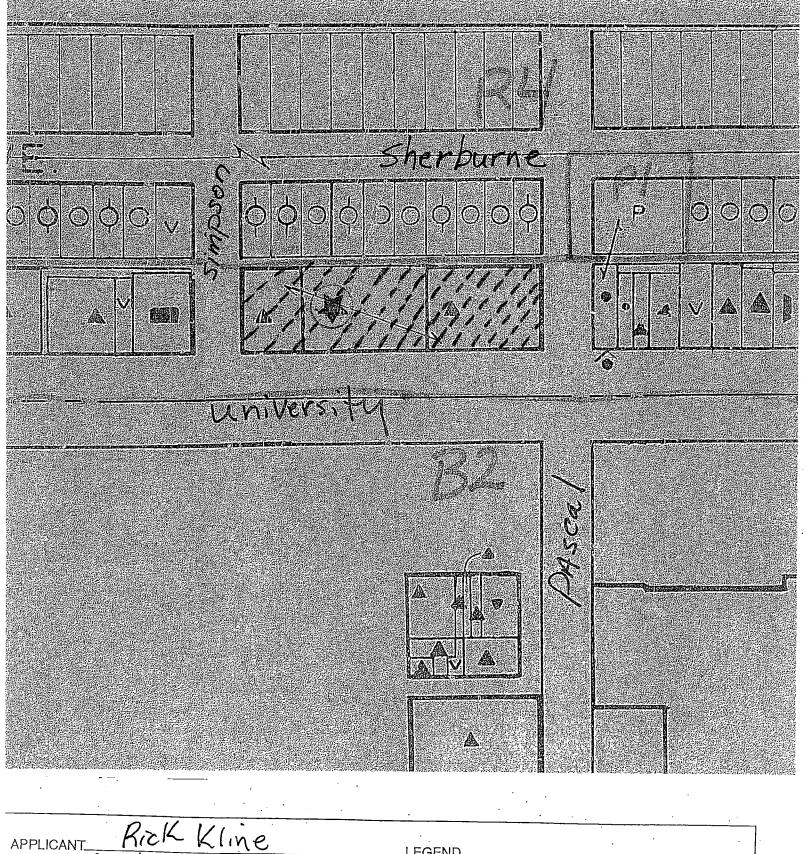




# CITIZEN PARTICIPATION PLANNING DISTRICTS

- 1. EASTVIEW-CONWAY-BATTLE CREEK-HIGHWOOD HILLS
- 2. GREATER EAST SIDE
- 3. WEST SIDE
- 4. DAYTON'S BLUFF
- 5. PAYNE-PHALEN
- 6. NORTH END
- 7. THOMAS DALE
- 8. SUMMIT UNIVERSITY
- 9. WEST SEVENTH
- 10. COMO
- 11. HAMLINE MIDWAY
- 12. ST. ANTHONY
- 13. UNION PARK
- 14. GROVELAND MACALESTER
- 15. HIGHLAND
- 16. SUMMIT HILL
- 17. DOWNTOWN

# 10-915-026



APPLICANT RICK KINE	LEGEND
PURPOSE Conditional USE Permit	zoning district boundary
FILE # 10-915 026 DATE	subject property
PLNG. DIST	O one family • 🛕 Commercial
SCALL T = 400	

### ZONING COMMITTEE STAFF REPORT

FILE NAME: Midway Commons 1.

FILE # 11-251-397

APPLICANT: RJ Ryan Construction, Inc. 2.

**HEARING DATE:** August 15, 2011

3. TYPE OF APPLICATION: Site plan review

4. **LOCATION:** 1489 University Avenue West

PIN & LEGAL DESCRIPTION: 342923230229, Lyman D Bairds Addition Lots 11 Thru 25 Blk 6 5.

**PLANNING DISTRICT: 11** 6.

**PRESENT ZONING:** T2

7. **ZONING CODE REFERENCE**: 61.402

**STAFF REPORT DATE**: 8/3/11 8.

BY: Tom Beach

9.

DATE RECEIVED: 10/13/10 60-DAY DEADLINE FOR ACTION: Waived by applicant

PURPOSE: Site plan review for the re-use two existing buildings. One building is proposed to be Α. used as a Culvers fast food restaurant with a drive thru window. The other building is proposed to be used by commercial tenants.

B. **PARCEL SIZE:** 48,000 square feet (400' x 120')

**EXISTING LAND USE:** Two one-story commercial buildings (mostly vacant) and a parking lot. C.

**SURROUNDING LAND USE:** D.

> Single-family residential (R4) North:

Commercial (T2) East:

South: Commercial – Midway Shopping Center (T4)

West: Commercial (T2)

**ZONING CODE CITATION:** Section 61.402.c lists 14 findings that the Planning Commission must Ε. make to approve a site plan. (See Findings in Section H below.)

F. PROJECT DESCRIPTION AND HISTORY: The site plan calls for tearing down the rear portion of the two existing building and renovating the front portions. The east building would have 10.091 square feet and would be leased to commercial tenants. The west building would have 4,938 square feet and be used for a Culver's fast food restaurant with a drive thru window.

This application was originally submitted on October 22, 2010 prior to the completion of the Central Corridor/TN Zoning Study. The applicant's representative requested a continuance for the application November 17, 2010 and waived their right to a decision within 60 days. Therefore the application is subject to B3 and Central Corridor Overlay zoning district requirements that were in effect at the time of the application rather than the present zoning of T2 which went into effect on June 20th, 2011.

- G. DISTRICT COUNCIL RECOMMENDATION: The District 11 Council has not sent their position on the project to staff.
- H. FINDINGS: In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:
  - The city's adopted comprehensive plan and development or project plans for sub-areas of the (1) city.

This condition is met. The use is in substantial compliance with the Comprehensive Plan. The use is supported by the following Snelling Station Area Plan policies regarding land along the north side of University Avenue:

- 4.2.1.a) Along the north side of the Avenue new development or expansion of existing buildings should be predominantly low to mid-rise in scale up to 3 commercial stories in height. 3 residential stories above one story of first floor retail would also be acceptable.
- 4.2.g) Ensure first floor units and storefronts have at least one entrance that is oriented towards the Avenue, access points to the station platforms, and/or key gathering places.
- 4.2.h) Commercial or retail uses located on the first floor should help to animate the street by incorporating large glass frontages that allow the activity within to be seen from the street.
- 4.2.2 e) Building gaps along the street frontage within Station Area Mobility Zone should be discouraged. Where gaps do exist they should be adequately landscaped along the street frontage.
- (2) Applicable ordinances of the city.

This condition is met. The property is zoned T2. However, when the application was submitted, the property was zoned B3 and was in the Central Corridor Overlay District. So the site plan is subject to those standards. The site plan is consistent with those standards.

- The uses are permitted if the fast food restaurant with a drive- thru window obtains a Conditional Use Permit.
- The Floor Area Ratio for new development is 1.0. However, the existing buildings have a Floor Area Ratio of .40 and so redeveloping existing buildings is permitted as long as the Floor Area Ratio for the redevelopment maintains a Floor Area Ratio of at least .40. The project meets this standard.
- The site plan meets requirements for screening, green space and landscaping.
- The buildings meet standards for buildings to have doors and windows facing the street.

The site plan provides enough parking to meet zoning standards: a minimum of 37 spaces are required and 54 spaces provided.

(3) Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.

This condition is met. The existing buildings will be restored and have their facades upgraded.

(4) Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.

This condition is met:

- Stormwater drainage will be controlled to Public Works standards and will not affect neighboring properties.
- A privacy fence will be constructed along the alley. This will create a visual screen to buffer neighbors and keep traffic from the project from using the alley.
- Lighting will be designed to minimize any glare or spill-over light to neighboring properties.
- The speaker box for the drive thru will be located near University Avenue and will not impact residences north of the site.
- The project will not affect light, air or views.
- (5) The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.

This condition is met.

- The parking lot will not have any access to the adjacent alley.
- The arrangement of the driveways is designed to discourage traffic from driving through the residential neighborhood to the north.
- The speaker box and stacking lane for the proposed drive thru window is at the south end of the site, away from the residential neighborhood.
- (6) Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.

The site plan shows a large number of trees to provide shade and 12% of the area of the site will be green space.

(7) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.

This condition is met. The site plan allows safe and convenient access and circulation. Public Works Traffic Division has reviewed the site plan and has no objections.

The site plan shows three driveways: one each on University, Pascal and Simpson. It is desirable to minimize the traffic using the driveway on University Avenue and the driveways on Pascal and Simpson will help do this without unduly impacting the residential neighborhood to the north of the site. Pascal has a traffic signal at University that will allow cars using the Pasal driveway to turn east or west onto University Avenue. The driveway on Simpson would be designed to restrict cars to left turns only so they would not drive through the neighborhood. There would not be any access to the adjacent alley.

The drive thru lane has enough stacking space to accommodate cars waiting to pick up their order.

(8) The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.

This condition is met. The plans for sewers and stormwater drainage have reviewed and approved by Saint Paul Public Works Sewer Division.

(9) Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.

This condition is met subject to the condition explained below.

- Shade trees will be planted close together (15' apart) in the landscaped strip between the public sidewalk and the drive thru lane. These trees will help screen the parking and fill in the gap between the building facades.
- The plan provides a large landscaped area between the two buildings where the drivethru lane and parking would go. However, to further minimize the impact of the drive thru lane and parking, the paved parking area just east of the drive thru window should be reconfigured to reduce the amount of pavement as shown on the attached Exhibit
- The site plan has decorative fences along the public sidewalk and a privacy fence along the alley.
- There is sufficient parking to meet zoning requirements.
- (10) Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.

This condition is met. The site complies with provisions of the Americans with Disabilities Act.

(11) Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."

This condition is met. Erosion and sediment control measures (such as silt fences and inlet protection) meet applicable standards.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the site plan subject to the following conditions
  - 1. A Conditional Use Permit for the fast food restaurant with drive thru window must be approved.
  - 2. The parking spaces immediately east of the drive thru window must be reconfigured so they are similar to what is shown in Exhibit A. Additional trees and landscaping must be added to the new green space that is created by changing the parking spaces.

